EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 6

DOCKET NO.: 2007-1427-AIR-E **TCEQ ID:** RN102457520 **CASE NO.**: 34555

RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

ORDER TYPE:			
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING	
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER	
_AMENDED ORDER	_EMERGENCY ORDER		
CASE TYPE:			
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE	
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION	
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION	
County TYPE OF OPERATION: Petrochemical r SMALL BUSINESS:YesX OTHER SIGNIFICANT MATTERS: The location, Docket Nos. 2006-0561-AIR-E, 20 E. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Received: TCEQ Attorney/SEP Coordinate TCEQ Enforcement Coordinate Mr. Bryan Sinclair, Enforcement	No ere are no complaints. There are six additional pend 2007-0172-AIR-E, 2007-0243-AIR-E, 2008-0413-AI nan the ED and the Respondent has expressed an int gister comment period expired on May 12, 2008. Nor: Ms. Melissa Keller, SEP Coordinator, Enforcemer: Ms. Nadia Hameed, Enforcement Division, Enforcement.	ing enforcement actions regarding this facility R-E, 2008-0726-AIR-E, and 2008-0989-AIR-erest in this matter. To comments were received. The property of the comments were received. The property of the comments were received. The property of the comments were received.	
77641	resented by counsel on this enforcement matter		
		0	

51DHTIH-1], Reboiler (EPN 51DHT1H-

3), MHC H-1 heater (EPN 52DHT2H-1)

RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

DOCKET NO.: 2007-1427-AIR-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION , PENALTY CONSIDERATIONS TAKEN/REQUIRED Total Assessed: \$529,300 Corrective Actions Taken: Type of Investigation: Complaint X Routine The Executive Director recognizes that the Total Deferred: \$105,860 ___ Enforcement Follow-up Respondent has implemented the X Expedited Settlement Records Review following corrective measures at the Plant: Financial Inability to Pay a. On March 7, 2007, and June 6, 2007 Date(s) of Complaints Relating to this through August 27, 2007, capped the three Case: None SEP Conditional Offset: \$211,720 open-ended lines and twelve leaking fugitive components in the LPG Loading Date of Investigation Relating to this Case: Total Paid to General Revenue: \$211,720 area that were discovered on the same March 7-20, 2007; July 30-August 7, 2007 dates. On September 18, 2007, the and September 26, 2007 Site Compliance History Classification Respondent submitted documentation that High X Average Poor enhanced leak detection and repair Date of NOV/NOE Relating to this Case: August 14, 2007, August 31, 2007 and ("LDAR") procedures were in place for Person Compliance History Classification open-ended lines; October 27, 2007 (NOE) High X Average Poor b. On October 15, 2007, submitted Background Facts: These were routine Major Source: X Yes No documentation that fresh carbon was investigations. placed in the canisters on the date of Applicable Penalty Policy: September 2002 discovery of breakthrough for the **AIR** Southeast of the GHT and North Stormwater sump; 1) Failure to maintain an emission rate below the allowable emission limits for Carbon c. On October 15, 2007, submitted Monoxide ("CO"). Specifically, on May 4, 2006, for a period of one hour ("hr"), the documentation that training and Fluid Catalytic Cracking Unit ("FCCU") counseling were administered in December 2006 to the concerned employees on the Regenerator stack emitted unauthorized loading restrictions to ensure compliance emissions of approximately 71.31 pounds with loading limits of Gas Oil at Dock 2; ("lbs") of CO to the atmosphere [30 Tex. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), Federal Operating d. On May 30, 2007, launched an electronic compliance system at the Plant Permit ("FOP") No. O-01267, General Terms and Conditions ("GTC") and Special Condition ("SC") 27, Air Permit 18936/PSDto alert personnel when to take preemptive action prior to exceeding a permit limit for CO at the FCCU Regenerator TX-762M2, General Condition ("GC") 8, Stack and the Tail Gas Thermal Oxidizer and Tex. Health & Safety Code § and for SO₂ at the Sulfur Recovery Unit 1 382.085(b)]. and 2 process vents. The system alerts personnel when predetermined internal 2) Failure to conduct compliance testing for limits are exceeded allowing for corrective the 805 Charge Heater (EPN 51DHTIH-1), action prior to exceeding a permit limit; 805 Reboiler (EPN 51DHT1H-3), Mild Hydrocracker ("MHC") H-1 Heater (EPN52DHT2H-1) and the Distillate e. On October 15, 2007, submitted documentation that the refinery's LDAR Hydrotreater ("DHT") Florida Heater program has been updated to include (EPN52DHT2H-2A/B) within 60 days of the Tanks 595 and 596 for monitoring with a initial startup which occurred on July 8, hydrocarbon analyzer; 2005, May 11, 2006, July 20, 2006 and March 9, 2007, respectively [30 Tex. ADMIN. f. On August 30, 2007, completed the CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 2347, compliance testing for the 805 Charge Heater [Emissions Point Number ("EPN") SC 10, and Tex. HEALTH & SAFETY CODE §

382.085(b)].

RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC. DOCKET NO.: 2007-1427-AIR-E

- 3) Failure to maintain Volatile Organic Compound ("VOC") emissions below the allowable emission rates. Specifically, Tanks 482 and 540 exceeded their tons per year ("tpy") limit by 21.58 tpy as documented in the 2005 Emissions Inventory ("EI") [30 Tex. ADMIN. CODE §§ 106.6(b), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 56385, SC 1, and Tex. Health & Safety Code § 382.085(b)].
- 4) Failure to operate Spent Acid Tanks 688 and 923 in accordance with Permit-by-Rule requirements. Specifically, Spent Acid Tanks 688 and 923 were not operating within the required Reid Vapor Pressure for tanks containing VOCs according to sampling conducted in February 2005 for Tank 923 and in March 2005 for Tank 688 [30 Tex. ADMIN. CODE §§ 106.472, 115.112(a)(1), 122.143(4), FOP No. O-01267, GTC and SC 4, and Tex. Health & Safety Code § 382.085(b)].
- 5) Failure to comply with the Nitrogen Oxide ("NOx") maximum allowable emissions rate of 9.93 lbs/hr for the Crude Unit Heater (ID 02ACU2H201) intermittently from March 3, 2006 through July 18, 2007. The calculated NOx emissions ranged up to 22.2 lbs/hr [30 Tex. Admin. Code §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 18936 and PSD-TX-762M2, GC 8, and Tex. Health & Safety Code § 382.085(b)].
- 6) Failure to maintain NOx emissions below the allowable emission rates. Specifically, 0.91 tpy of unauthorized NOx emissions from the 805 Reboiler was released as documented in the 2005 EI [30 Tex. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 234, SC 1, and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 7) Failure to maintain CO emissions below the allowable emissions limit. Specifically, on May 17, 2006, 18.26 lbs/hr of unauthorized CO were released from the Tail Gas Thermal Oxidizer to the atmosphere [30 Tex. Admin. Code §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 9195A and PSD-TX-453M6, SC 1, and Tex. Health & Safety Code § 382.085(b)].
- 8) Failure to limit the discharge of Sulfur Dioxide ("SO₂") into the atmosphere to 250 parts per million ("ppm") by volume at 0%

- and the DHT Florida Heater (EPN 52DHT2H-2A/B); and
- g. On October 15, 2007, submitted documentation that a revised Standard Operating Procedure has been implemented designed to ensure timely reporting of emissions events.

 Additionally, on April 20, 2007,
 Beaumont Regional Office received an emissions report for the March 16, 2007 emissions event.

Ordering Provisions:

- 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)
- 2) The Order will also require the Respondent to:
- a. Within 30 days after the effective date of this Agreed Order:
- i. Implement procedures to ensure routine visual inspection on the secondary seal of the external floating roof Tank 453 is conducted:
- ii. Implement, as necessary, upgrades to ensure compliance with SC 4 and 5 of Permit No. 56385 during the unloading of frac Tank Nos. FO4075 and FO3025;
- iii. Report all the deviations associated with Violation Nos. 13, 14, 15, and 17 on the next deviation report;
- iv. Remove Spent Acid Tanks 688 and 923 from VOC service or obtain authorization in accordance with 30 Tex. Admin. Code § 115.112 for VOC storage;
- v. Implement measures designed to prevent the recurrence of emissions events due to causes the same as those associated with the March 16, 2007 event;
- vi. Submit administratively complete permit applications to: 1) obtain authorization for the four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front 3A and South Side Dock 3B; 2) raise the firing rate of the Crude Unit Heaters and the 805 Reboiler to ensure compliance with permitted NOx limits; 3) raise VOC limits on Tanks 482 and 540 to a rate that is equal to or greater than the emission rates reported in the

RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC.

DOCKET NO.: 2007-1427-AIR-E

excess air from the Claus Sulfur Recovery plant. Specifically, 24 exceedances of the 250 ppm SO_2 12-hour rolling average were documented on July 2-3, 2006 from the Sulfur Recovery Unit 1 and 2 process vents (units IDs 14SRU1PCV and 33SRUPCV) [30 Tex. Admin. Code §§ 101.20(1) and (3), 113.780, 116.115(c), 122.143(4), 40 Code of Federal Regulations ("CFR") § 60.104(a)(2)(i), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 9195A and PSD-TX-453M6, SC 3, and Tex. Health & Safety Code § 382.085(b)].

- 9) Failure to equip three open-ended lines and valves with a cap, blind flange, plug or second valve. Specifically, on March 7, 2007, the plugs were found missing at Tanks 504, 595, and 596 and replaced [30 Tex. ADMIN. CODE §§ 113.340, 115.352(4), 116.155(c), 122.143(4), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 56385, SC 12E, and Tex. Health & Safety Code § 382.085(b)].
- 10) Failure to prevent venting of VOC emissions directly to the atmosphere through the tank's hatches and an open process drain during the unloading of the two frac tanks (FO4075 and FO3025) on March 7, 2007 [30 Tex. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 56385, SC 4 and 5, and Tex. Health & Safety Code § 382.085(b)].
- 11) Failure to maintain the exterior surface of the tank as white or aluminium. Specifically, Tank 516 appeared rusty and black as observed and documented by the TCEQ investigator on March 7, 2007 [30 Tex. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 46396, SC 8F and Tex. Health & Safety Code § 382.085(b)].
- 12) Failure to maintain the permitted loading limit of 500,050 barrels per year of Gas Oil at Dock 2. Specifically, a total of 1,660,191 barrels of Gas Oil at Dock 2 were loaded from January to December 2006 [30 Tex. ADMIN. CODE §§116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 49743, SC 8, and Tex. Health & Safety Code § 382.085(b)].
- 13) Failure to conduct fugitive monitoring using hydrocarbon gas analyzer from January 2005 through December 2006. Specifically, monitoring was not performed on Tanks 595 and 596 all four quarters in 2005 and 2006 [30 Tex. Admin. Code §§ 113.340, 115.354(2), 116.115(c), 122.143(4), FOP

2005 EI; 4) amend Permit No. 46396, SC 8F to change the required color of Tank 516 from white or aluminum to black, or paint Tank 516 white or aluminum to black, or paint Tank 516 white or aluminum;

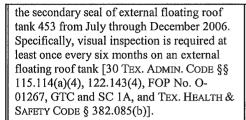
- b. Within 45 days after the effective date of this Agreed Order, or within 105 days with regard to the color of Tank 516 if the option is exercised for painting the tank rather than amending the permit to change the required color, submit certification as described in Ordering Provision No. 2.e. below for Ordering Provision No. 2.a.;
- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit applications within 30 days after the date of such requests, or by any other deadline specified in writing;
- d. Within 180 days after the effective date of this Agreed Order, submit certification that 1) either authorization to operate the four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front 3A and South Side Dock 3B as a source of air emissions has been obtained or that operation has ceased until such a time that appropriate authorization is obtained; 2) the firing rates of the Crude Unit Heaters and the 805 Reboiler have been raised to ensure compliance with permitted NOx limits; 3) the VOC limits on Tanks 482 and 540 have been raised to a rate that is equal to or greater than the emission rates reported in the 2005 EI; and
- e. The certifications required by Ordering Provision Nos. 2.b. and 2.d. should include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.c.

RESPONDENT NAME: TOTAL PETROCHEMICALS USA, INC. DOCKET NO.: 2007-1427-AIR-E

No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 12 F and 15, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

- 14) Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. Specifically, on January 3 through 9, 2005, the carbon canister series for the Southeast of the Gas Heater Treater ("GHT") was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on January 10, 2005 [30 Tex. Admin. Code §§ 101.20(2), 122.143(4), 40 CFR § 61.354(d), FOP No. O-01267, GTC and SC 1A, and Tex. Health & Safety Code § 382.085(b)].
- 15) Failure to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring. Specifically, on March 23 through 25, 2005, the carbon canister series for the North stormwater sump was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on March 28, 2005 [30 Tex. Admin. Code §§ 101.20(1), 116.115(c), 122.143(4), 40 CFR § 60.695(a)(3)(ii), FOP No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 13, and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 16) Failure to obtain permit authorization for four carbon canister series identified as Southwest of GHT, End of Dock 1, in front of Dock 3A and South Side Dock 3B. Specifically, the four units were documented as releasing emissions to the atmosphere during an investigation on March 7 through 20, 2007 without a permit or authorization [30 Tex. Admin. Code §§ 116.110(a), 122.143(4), FOP No. O-01267, GTC, and Tex. Health & Safety Code § 382.085(b)].
- 17) Failure to repair twelve leaking fugitive components in the Liquid Petroleum Gas ("LPG") loading area within 15 days after the discovery of the leaks. Specifically, eight valve packings, two valve screwed fittings and two valve bushings were incorrectly designated as infeasible to repair and were not repaired within 15 days [30 Tex. ADMIN. Code §§ 101.20(1), 113.340, 115.352(2), 116.115(c), 122.143(4), 40 CFR § 60.592(a), FOP No. O-01267, GTC and SC 1A, Air Permit No. 19965, SC 2 and 5H, and Tex. Health & Safety Code § 382.085(b)].
- 18) Failure to perform visual inspection on

DOCKET NO.: 2007-1427-AIR-E



- 19) Failure to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification. Specifically, six deviations were not reported in a semi-annual report or the annual compliance certifications for the years 2005 and 2006 [30 Tex. Admin. Code §§ 122.143(4), 122.145(2)(A), 122.146(5)(D), FOP No. O-01267, GTC, and Tex. Health & Safety Code § 382.085(b)].
- 20) Failure to submit the initial notification of a reportable emissions event within 24 hours of discovery to the TCEQ Beaumont Regional Office. Specifically, the emissions event which occurred on March 16, 2007 at the Cogen Stack, EPN 60COGNSTK (Incident No. 89927) was not submitted to the TCEQ until April 20, 2007 [30 Tex. ADMIN. CODE §§ 101.201(a)(1)(B), 122.143(4), FOP No. O-01267, GTC, and SC 2F and Tex. Health & Safety Code § 382.085(b)].
- 21) Failure to prevent unauthorized emissions of 216.64 lbs of NOx during a two hour emissions event which occurred at the Cogen Stack, EPN 60COGNSTK on March 16, 2007, (Incident No. 89927) due to unexpected sticking of the 63PV3025 steam control let-down valve causing the NOx steam system to shutdown. Since the emissions event was not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. Admin. Code § 101.222 [30 Tex. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267 GTC and SC 27, Air Permit No. 16840 and PSD-TX-688M2, GC 1, and Tex. HEALTH & SAFETY CODE § 382.085(b)].

Additional ID No(s).: JE0005H

Attachment A Docket Number: 2007-1427-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TOTAL PETROCHEMICALS USA, INC.

Payable Penalty Amount: Four Hundred Twenty-Three Thousand Four Hundred Forty

Dollars (\$423,440)

SEP Amount: Two Hundred Eleven Thousand Seven Hundred Twenty

Dollars (\$211,720)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Clean School Buses

Location of SEP: Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon

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TOTAL PETROCHEMICALS USA, INC. Agreed Order – Attachment A

emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088 TOTAL PETROCHEMICALS USA, INC. Agreed Order – Attachment A

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Policy Revision 2 (Sep		alty Calculatio	n Worksheet (F		sion June 26, 2007
TCEQ	terriber 2002)			7 OW News	non bune 20, 2007
DATES Assigned PCW		reening 1-Nov-2007	EPA Due 8-Jun-2008		
RESPONDENT/FACILITY Respondent Reg. Ent. Ref. No. Facility/Site Region	TOTAL PETROCHI RN102457520	EMICALS USA, INC.	Major/Minor Source	e Major	
CASE INFORMATION					
Enf./Case ID No.	2007-1427-AIR-E Air		No. of Violation Order Typ Enf. Coordinato EC's Teal	e 1660	
Admin. Penalty \$ I	the state of the s	\$0 Maximum	\$10,000		
		Penalty Calcula	ation Section		
TOTAL BASE PENAL				Subtotal 1	\$178,100
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain		1 al Base Penalty (Subtotal 1) by	γ the indicated percentage.		
Compliance Histo				ototals 2, 3, & 7	\$356,200
Notes	one (1) federal	order without denial of lia	ers, one (1) findings order, ability and ten (10) NOVs ding five (5) self-reported s.		
Culpability	No	0%	Enhancement	Subtotal 4	\$0
Notes	The Respo	ondent does not meet the	e culpability criteria.		***************************************
Good Faith Effor		0%	Reduction	Subtotal 5	\$0
Extraordinary	Before NOV NO	V to EDPRP/Settlement Offer			
Ordinary N/A	X (mar	'k with x)			
Notes		ondent does not meet the	e good faith criteria.		WACCOMPANIAL PARTY OF THE PARTY
Approx.			Enhancement* d at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTAL	S 1-7			Final Subtotal	\$534,300
OTHER FACTORS A			0% y; e.g30 for -30%.)	Adjustment	\$0
Notes					-
			Final P	Penalty Amount	\$534,300
STATUTORY LIMIT A	DJUSTMENT		Final Ass	sessed Penalty	\$529,300
DEFERRAL Reduces the Final Assessed Per	nalty by the indicted perce	ntage. <i>(Enter number only</i> ; e.s	20% Reduction	Adjustment	-\$105,860
Notes	Def	erral offered for expedite	ed settlement.		<i></i>
PAYABLE PENALTY					\$423,440

Screening Date 1-Nov-2007

Docket No. 2007-1427-AIR-E

PCW

Respondent TOTAL PETROCHEMICALS USA, INC.

Case ID No. 34555

Reg. Ent. Reference No. RN102457520

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Media [Statute] Air

Enf. Coordinator Daniel Siringi

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

Compliance History Worksheet

liance History	Compliance History Worksheet Site Enhancement (Subtotal 2)			
Component	Number of	Enter Number Here	Adjust.	
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
	Other written NOVs	10	20%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	6	120%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	Section and the section of the secti	25%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		35%	
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Contract of the second contract of the	0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%	
	Plea	se Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
Oulei	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment P	Percentage (Su	ıbtotal 2)	2
at Violator (Su	btotal 3)			
No	Adjustment P	Percentage (Su	ıbtotal 3) [
liance History	Person Classification (Subtotal 7)			
Average P	erformer Adjustment P	Percentage (Su	ıbtotal 7) [
liance History	Summary 16 15 19 19 19 19 19 19 19 19 19 19 19 19 19			
Compliance History	Penalty enhancement for six (6) 1660 orders, one (1) findings order, one (1) federal order w liability and ten (10) NOVs without same or similar violations, including five (5) self-repor			

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date 1-Nov-2007 Docket	No. 2007-1427-AIR-E PCW
Respondent TOTAL PETROCHEMICALS USA, INC.	Policy Revision 2 (September 2002)
Case ID No. 34555	PCW Revision June 26, 2007
Reg. Ent. Reference No. RN102457520 Media [Statute] Air	
Enf. Coordinator Daniel Siringi	and the second of the second o
Violation Number 1	
Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3), 116.115(Operating Permit ("FOP") No. O-01267, Gener Special Condition ("SC") 27, Air Permit 18936 ("GC") 8, and Tex. Health & Sa	al Terms and Conditions ("GTC") and 6/PSD-TX-762M2, General Condition
Failed to maintain an emission rate below the Monoxide ("CO"). Specifically, on May 4, 200 Catalytic Cracking Unit ("FCCU") Regenerator s approximately 71.31 pounds ("ibs")	6, for a period of one hour, the Fluid tack emitted unauthorized emissions of
	Base Penalty \$10,000
>> Environmental, Property and Human Health Matrix Harm	
Release Major Moderate Minor	
OR Actual X Potential	Percent 25%
r deriual	2570
>>Programmatic Matrix	
Falsification Major Moderate Minor	Percent 0%
	070
Matrix Notes Human health or the environment has been exposed to insign not exceed levels that are protective of human health or environment has been exposed to insign not exceed levels that are protective of human health or environment.	
	Adjustment \$7,500
	\$2,500
Violation Events	
Number of Violation Events 1	Number of violation days
INCLUDED OF VIOLATION EVENTS	Number of Violation days
daily	
monthly quarterly x	Violation Base Penalty \$2,500
merk only one quarterly x with an x semiannual	Violation base i charty 42,500
annual	
single event	
One quarterly event is recomn	nended.
Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$348	Violation Final Penalty Total \$7,500
t	
This violation Final P	Assessed Penalty (adjusted for limits) \$7,500

	ı E	conomic E	Benefit W	orks	heet		
		CHEMICALS USA,	INC.				
Case ID No. Reg. Ent. Reference No.							
Media						B	Years of
Violation No.						Percent Interest	Depreciation
					1000000	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
**************************************							***************************************
Delayed Costs							
Equipment .				0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0 ***	\$0
Engineering/construction				0.0	\$0 \$0	\$0 ° n/a	\$0
Land Record Keeping System				0,0	\$0 \$0	n/a n/a	\$0 [a] \$0
Training/Sampling	drawn and management			0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)	\$6,500	4-May-2006	30-May-2007	1.1	\$348	n/a	\$348
Notes for DELAYED costs	prior to e	t of launching an ele xceeding a permit li Respondent comple	nit. Date required	l is the d	ate of exceedance	e and final date is th	e date the
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e	ntering i	tem (except for d	one-time avoided o	osts)
Disposal				0,0	\$0	\$0	\$0
Personnel	100			0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$ 0	\$0
ONE-TIME avoided costs [3]				0,0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>		<u> 0,0 </u>	φυ	Φ0	\$ U
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$6,500		¥	TOTAL		\$348

Screening Date	1-Nov-2007	Docke	t No. 2007-1427-AIR-E	PCW
[4] S. P. S. B. M.	TOTAL PETROCHEMIC	CALS USA, INC.		Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No. Media [Statute]				
Enf. Coordinator				authtest the Read of the Arabi
Violation Number				
Rule Cite(s) Violation Description	Permit 2347, Failed to conduct comp Reboiler (EPN 51DHT1	, SC 10, and Tex. Health liance testing for the 805 IH-3), Mild Hydrocracker	FOP No. O-01267, GTC and SC & Safety Code § 382.085(b) Charge Heater (EPN 51DHTIH- ("MHC") H-1 Heater (EPN52DHT Heater (EPN52DHT2H-2A/B) with	1), 805 [2H-1)
violation bescription			/ 8, 2005, May 11, 2006, July 20,	
			Base F	Penalty \$10,000
>> Environmental, Property a Release OR Actual Potential >> Programmatic Matrix Falsification Matrix Notes	Major Moderate Major Moderate Major Moderate	e Minor	Percent 0% Percent 25% s not met. Adjustment	\$7,500
Violation Events				
Number of Vi	daily daily monthly	76		
mark only one with an x	quarterly semiannual annual single event x		Violation Base I	Penalty \$10,000
		single events are recomn		
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$3,956	Violation Final Penalt	y Total \$30,000
		This violation Final A	Assessed Penalty (adjusted for	limits) \$30,000

Violation No	2					Percent Interest	Years of Depreciation
Lateral section of the section of th	_					5.0	•
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$						
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0 *0
Engineering/construction				0,0	\$0	\$0	\$0 \$0
Land				0.0	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System				0.0	\$0	n/a n/a	\$0 \$0
Training/Sampling Remediation/Disposal				0.0	\$0	n/a	\$0 \$0
Remediation/bisposai				0,0	VIVIEW 4.500 TAR W V COMMON SERVICE		
Bormit Conta	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	(00/000000 0000000000000000000000000000	7.75	0.0	\$ 0	n/a	\$0
Permit Costs Other (as needed)	\$40,000 Estimated cost	7-Sep-2005 of conducting com	30-Aug-2007 pllance testing for	0,0 2.0 four hea	\$0 \$3,956 iters. Date require	n/a n/a d is the date testing	\$0 \$3,956 was required f
	Estimated cost	of conducting com	pliance testing for	2.0 four hea	\$3,956 iters. Date require completed condu	n/a	\$3,956 was required t
Other (as needed)	Estimated cost the first bu	of conducting com rner and final date i	pliance testing for s the date the Res	2.0 four hea pondent heaters	\$3,956 iters. Date require completed condu tem (except for	n/a d is the date testing cting stack sampling acrolosi one-time avoided o	\$3,956 was required to g on the four costs)
Other (as needed) Notes for DELAYED costs	Estimated cost the first bu	of conducting com rner and final date i	pliance testing for s the date the Res	2.0 four hea pondent heaters ntering 0.0	\$3,956 Iters, Date require completed condustrial completed condustrial completes and completes are completed completes and completes are completed as a complete complete and completes are completed as a complete complete complete as a complete c	n/a d is the date testing cting stack sampling cancles? one-time avoided of	\$3,956 was required, g on the four costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost the first bu	of conducting com rner and final date i	pliance testing for s the date the Res	2.0 four heatpondent heaters ntering 0.0 0.0	\$3,956 Iters. Date require completed condustrial completed condustrial completed condustrial complete completed condustrial complete comp	n/a d is the date testing cting stack sampling stac	\$3,956 was required for the four costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cost the first bu	of conducting com rner and final date i	pliance testing for s the date the Res	four heapondent heaters ntering 0.0 0.0 0.0	\$3,956 Iters. Date require completed conductions (except for \$0 \$0 \$0 \$0	n/a d is the date testing cting stack sampling stack sampling stack sampling stack sampling stack sampling stack sampling so	\$3,956 was required for the four sosts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cost the first bu	of conducting com rner and final date i	pliance testing for s the date the Res	four heapondent heaters ntering 0.0 0.0 0.0 0.0	\$3,956 Iters, Date require completed conductions Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a d is the date testing cting stack sampling transfer sampling transfer some state of the sampling s	\$3,956 was required,1 g on the four sosts) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost the first bu	of conducting com rner and final date i	pliance testing for s the date the Res	four heappondent heaters ntering 0.0 0.0 0.0 0.0 0.0	\$3,956 ters, Date require completed condustrian (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a d is the date testing cting stack sampling stac	\$3,956 was required, to go in the four sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cost the first bu	of conducting com rner and final date i	pliance testing for s the date the Res	four heapondent heaters ntering 0.0 0.0 0.0 0.0	\$3,956 Iters, Date require completed conductions Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a d is the date testing cting stack sampling transfer sampling transfer some state of the sampling s	\$3,956 was required, g on the four sosts) \$0 \$0 \$0 \$0

Screening Da	te 1-Nov-2007	Docl	ket No . 2007-1427-AIR-E	PCW
	nt TOTAL PETROCHE	EMICALS USA, INC.		Policy Revision 2 (September 2002)
Case ID N			,	PCW Revision June 26, 2007
Reg. Ent. Reference N Media [Statut				***************************************
Enf. Coordinat				
Violation Numb	911111111111111111111111111111111111111			
Rule Cite	01267, GTC and Failed to maintain emission rates. Spe	SC 27, Air Permit 56385, 382.08 Volatile Organic Compoun cifically, Tanks 482 and 54	(b)(2)(F) and c, 122.143(4), FOP SC 1, and Tex. Health & Safety 5(b) and ("VOC") emissions below the after the control of the	Code §
			Bas	e Penalty \$10,000
>> Environmental, Property	y and Human Healt	th Matrix		
Relea		ı rm erate Minor		
OR Acti	. (x Willion		
Potent	tial		Percent 50%	
>>Programmatic Matrix				
Falsification	on Major Mod	erate Minor		000000000000000000000000000000000000000
			Percent 0%	
Matrix Notes Human h not exce	ealth or the environmer ed levels that are prote	nt has been exposed to ins ctive of human health or e violation,	significant amounts of pollutants invironmental receptors as a resu	ult of the
		500	Adjustment	\$5,000
				\$5,000
Violation Events				
Number of	Violation Events	8	365 Number of violation da	ys
-	daily	53452031		
mark only or with an x	monthly quarterly semiannual annual	X	Violation Bas	e Penalty \$40,000
	single event	**************************************		
	Eight quart	terly events are recommen	nded, four per Tank.	
Economic Benefit (EB) for	this violation		Statutory Limit Te	st
Estima	ted EB Amount	\$365	Violation Final Pen	alty Total \$120,000
		This violation Fina	al Assessed Penalty (adjusted	for limits) \$120,000
			-, -	

Media						Percent Interest	Years of Depreciation
Violation No.	3					5,0	Depreciation 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		_ uno i i o qui i o u					
Delayed Costs	over as first in						
Equipment				0,0	\$0	\$0	\$0
Buildings		96-12-97-1		0,0	\$0	\$0	\$0
Other (as needed)		825 750 750 750 750		0,0	\$0	\$0	\$0
Engineering/construction				0,0	\$0 \$0	\$0	\$0 #0
Land				0,0	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System				0,0	\$0 \$0	n/a	\$0 \$0
Training/Sampling Remediation/Disposal				0.0	\$0	n/a	\$0
•	\$2.500	22-May-2006	19_Mar_2008				
Permit Costs Other (as needed)	\$2,500 \$1,500 Estimated co	22-May-2006 22-May-2006 st of process chang	19-Mar-2008 19-Mar-2008 es necessary to re	1.8 1.8	\$228 \$137 OC emissions and	n/a n/a /or obtain authorizat	\$228 \$137 Ion to increase
Permit Costs Other (as needed) Notes for DELAYED costs	\$1,500 Estimated co- emissions exceedance	22-May-2006 st of process chang based on the curre bes and final date is	19-Mar-2008 es necessary to rent vapor pressure is the date the Res	1.8 1.8 educe VC data fron condent	\$228 \$137 OC emissions and a Tanks 482 and sis expected to con	n/a n/a /or obtain authorizat 540. Date required is nplete all the correct	\$228 \$137 ion to increase s the date of tive actions.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	\$1,500 Estimated co- emissions exceedance	22-May-2006 st of process chang based on the curre bes and final date is	19-Mar-2008 es necessary to rent vapor pressure is the date the Res	1.8 1.8 duce VC data fron pondent	\$228 \$137 OC emissions and a Tanks 482 and a is expected to con item (except for	n/a n/a /or obtain authorizat 540. Date required is nplete all the correct one-time avoided c	\$228 \$137 ion to increase is the date of tive actions.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	\$1,500 Estimated co- emissions exceedance	22-May-2006 st of process chang based on the curre bes and final date is	19-Mar-2008 es necessary to rent vapor pressure is the date the Res	1.8 1.8 duce VC data from condent ntering 0.0	\$228 \$137 OC emissions and a Tanks 482 and is expected to con tem (except for	n/a n/a /or obtain authorizat 540. Date required is nplete all the correct one-time avoided c	\$228 \$137 Ion to increase is the date of tive actions.
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel	\$1,500 Estimated co- emissions exceedance	22-May-2006 st of process chang based on the curre bes and final date is	19-Mar-2008 es necessary to rent vapor pressure is the date the Res	1.8 1.8 duce VC data from condent ntering 0.0 0.0	\$228 \$137 OC emissions and 1 Tanks 482 and sis expected to cor- item (except for a \$0 \$0	n/a n/a /or obtain authorizat 540. Date required is nplete all the correct one-time avoided of \$0 \$0	\$228 \$137 Ion to increase s the date of tive actions.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	\$1,500 Estimated co- emissions exceedance	22-May-2006 st of process chang based on the curre bes and final date is	19-Mar-2008 es necessary to rent vapor pressure is the date the Res	data fron condent 0.0 0.0 0.0	\$228 \$137 OC emissions and 1 Tanks 482 and s is expected to cor item (except for a \$0 \$0 \$0	n/a n/a //or obtain authorizat 540. Date required is nplete all the correct one-time avoided co \$0 \$0 \$0 \$0	\$228 \$137 ion to increase s the date of tive actions. costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	\$1,500 Estimated co- emissions exceedance	22-May-2006 st of process chang based on the curre bes and final date is	19-Mar-2008 es necessary to rent vapor pressure is the date the Res	1.8 1.8 duce VC data from condent ntering 0.0 0.0	\$228 \$137 OC emissions and 1 Tanks 482 and sis expected to cor- item (except for a \$0 \$0	n/a n/a /or obtain authorizat 540. Date required is nplete all the correct one-time avoided of \$0 \$0	\$228 \$137 Ion to increase s the date of tive actions.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$1,500 Estimated co- emissions exceedance	22-May-2006 st of process chang based on the curre bes and final date is	19-Mar-2008 es necessary to rent vapor pressure is the date the Res	duce VCdata from condent ntering 0.0 0.0 0.0 0.0 0.0	\$228 \$137 OC emissions and n Tanks 482 and is expected to cor item (except for \$0 \$0 \$0	ri/a n/a /or obtain authorizat 540. Date required is nplete all the correct one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$228 \$137 Ion to increase is the date of tive actions. Sosts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	\$1,500 Estimated co- emissions exceedance	22-May-2006 st of process chang based on the curre bes and final date is	19-Mar-2008 es necessary to rent vapor pressure is the date the Res	data from condent of the condent of	\$228 \$137 DC emissions and n Tanks 482 and s is expected to cor item (except for \$0 \$0 \$0 \$0	n/a n/a /or obtain authorizat 640. Date required is nplete all the correct one-time avoided c \$0 \$0 \$0 \$0	\$228 \$137 Ion to increase is the date of tive actions. sosts) \$0 \$0 \$0 \$0

Screening Date		Docket No. 2007-1427-AIR-E	PCW
Halibada watu iliza wakala wa lawa kata wa 1912 kata 1977 kata kata kata 1978 kata 1980 kata kata 1988	t TOTAL PETROCHEMICALS US	SA, INC.	Policy Revision 2 (September 2002)
Case ID No			PCW Revision June 26, 2007
Reg. Ent. Reference No			***************************************
Media [Statute			·
Enf. Coordinato			- Control of the Cont
Violation Numbe Rule Cite(s	Name of the state		
Kule Oile(S	GTC and SC 4, a	472, 115.112(a)(1), and 122.143(4), FOP No. and Tex. Health & Safety Code §382.085(b) Tanks 688 and 923 in accordance with Permit	
Violation Description	requirements. Specifically, Spe	ent Acid Tanks 688 and 923 were not operating ("RVP") for tanks containing VOCs due to hyd carryover.	ı within the
		Ва	se Penalty \$10,000
>> Environmental, Property			
Release	Harm e Major Moderate	Minor	
OR Actua		x	www.
Potentia		Percent 25%	***************************************

>>Programmatic Matrix	Maile Madagada	Minar	***************************************
Falsification	n Major Moderate	Minor Percent 0%	***************************************
Line		<u> </u>	
Human he	alth or the environment has been	exposed to insignificant amounts of pollutants	which do
Matrix not excee	d levels that are protective of hum	nan health or environmental receptors as a res	ult of the
Notes		violation.	
		Adjustment	\$7,500
			\$2,500
			φ2,300
Violation Events			
Number of V	iolation Events 2	Number of violation d	ays
	daily		
	monthly		
mark only one		Violation Ba	se Penalty \$5,000
with an x	semiannual		
	annual		
	single event x		
	Two single events a	are recommended, one per tank.	
Economic Benefit (EB) for t	his violation	Statutory Limit To	est

Estimate	ed EB Amount	\$909 Violation Final Pe	nalty Total \$15,000
	This	s violation Final Assessed Penalty (adjusted	l for limits) \$15,000

	, E	conomic l	3enefit W	orks	heet		
Respondent T		CHEMICALS USA	, INC.		000 x 40.70 cm 2000 m x a a a a a a a a a a a a a a a a a a		MININE DE LA LA NOVE DE LA LA CONTRACTION DE L'EST
Case ID No. 34							
Reg. Ent. Reference No. R							
Media A	ir					Percent Interest	Years of
Violation No. 4						1	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description I	No commas or \$						
		***************************************	-			************************	
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$20,000	7-Aug-2007	19-Mar-2008	0,6	\$41	\$822	\$863
Engineering/construction				0.0	\$0	\$0 ,	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling Remediation/Disposal				0,0	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal	\$1,500	7-Aug-2007	19-Mar-2008	0.6	\$46	n/a	\$46
Other (as needed)	φ1,500	7-Aug-2001	19-War-2006	0.0	\$40 \$0	n/a	\$0
Notes for DELAYED costs		permit for the two		ed is the	date of the first sa	er to the spent acid t ampling and the fina n.	
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	nterina	item (except for o	one-time avoided c	osts)
Disposal		 		0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							Mass Pill Mass Pill
Approx. Cost of Compliance		\$21,500			TOTAL		\$909

Screening Date	1-Nov-2007	Docke	t No. 2007-1427-AIR-E	PCW
	TOTAL PETROCHEMICA	ALS USA, INC.		Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator Violation Number	5			***************************************
Rule Cite(s)	<u>'</u>		1/1.7/07/57 400 440/41 505	
-			and (b)(2)(F), 122.143(4), FOF and PSD-TX-762M2, GC 8, and	
1		Health & Safety Code		
	Failed to comply with the	n Niitraaan Ovida ("NOv") maximum allowable emission	e rate of
Violation Description			U2H201) intermittently from M	
			0x emissions ranged up to 22.2	
			Base	Penalty \$10,000
>> Environmental, Property a	nd Human Health M	atriy		
-> Environmental, Property a	Harm	uuix		
Release	Major Moderate	7		
OR Actual Potential		X	Percent 25%	
1 otential	<u> </u>		2070	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor	Boroont 0%	
			Percent 0%	
Human heal	th or the environment has	s been exposed to insign	nificant amounts of pollutants w	hich do
		of human health or envi	ronmental receptors as a resul	
		violation.		
			Adjustment	\$7,500
	·		•	
				, \$2,500
Violation Events				
Number of Vio	lation Events 6		Number of violation day	S
	daily			
	monthly	oriental		
mark only one with an x	quarterly x		Violation Base	Penalty \$15,000
WILLI CIT X	semiannual annual	<u>20</u>		
	single event			
		•		
	Six quadarly avants are re	scommonded from Marc	h 3, 2006 to July 18, 2007.	
2000 000 000 000 000 000 000 000 000 00	on quarterly events are re	commended from ware	11 0, 2000 to outy 10, 2001.	
<u>Linia de la companya de la companya</u>				
Economic Benefit (EB) for thi	s violation		Statutory Limit Tes	it
Estimated	EB Amount	\$153	Violation Final Pena	alty Total \$45,000
(United States of States o	**************************************			
		inis violation Final A	Assessed Penalty (adjusted f	or limits) \$45,000

Violation No.	Air 5					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0 00
Engineering/construction				0.0	\$0 \$0	\$0	\$0 \$0
Land				0,0	\$0	n/a n/a	\$0 \$0
Record Keeping System	-			0.0	\$0	n/a	\$0 \$0
Training/Sampling				0.0	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a	\$0 \$0
Permit Costs Other (as needed)	\$1,500	3-Mar-2006	19-Mar-2008	2.0	\$153	n/a	\$153
						it Heater. Date requir have completed cor	
Notes for DELAYED costs	date of exce	edance and iniardal		севропа			
Avoided Costs				ntering	item (except for	one-time avoided c	osts)
Ayoided Costs Disposal				ntering 0,0	item (except for	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel				0,0 0.0	item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling				0,0 0,0 0,0 0,0	item (except for \$0 \$0 \$0 \$0	one-time avoided c	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	One-time avoided C	s0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	One-time avoided C	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	\$ 1000 to 1000	Docket No. 2007-1427-AIR-E	PCW
	TOTAL PETROCHEMICALS USA, INC.		Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			PCW Revision June 26, 2007
Media [Statute]			
Enf. Coordinator			er alle la
Violation Number	6		
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(b)(2) and SC 27, Air Permit No. 234, SC 1,	(F) and (c), 122.143(4), FOP No. O-0126, and Texas Health & Safety Code § 382.	085(b)
Violation Description	tpy of unauthorized NOx emissions fron	n the 805 Reboiler were released as doc Emissions Inventory.	
>> Environmental, Property a	ınd Human Health Matrix		
Release OR Actual Potential	X	Percent 25%	
>>Programmatic Matrix Falsification	Major Moderate Minor	Percent 0%	
		d to insignificant amounts of pollutants w lth or environmental receptors as a result on.	
		Adjustment	\$7,500
		Adjustinent	Ψ1,300
			\$2,500
Violation Events			
Number of Vio	plation Events 4	Number of violation days	•
mark only one with an x	daily monthly x semiannual annual single event	Violation Base	Penalty \$10,000
, , , , , , , , , , , , , , , , , , ,	our quarterly events are recommended		
Economic Benefit (EB) for th	is violation	Statutory Limit Tes	t
Estimate	d EB Amount \$32	Violation Final Pena	Ity Total \$30,000
	This violation	on Final Assessed Penalty (adjusted fo	or limits) \$30,000

	ı Air . 6					Percent Interest	Years of Depreciation
Violation No						5.0	15
Selection and the following and	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$						
Delayed Costs	,						
Equipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction	010000000000000000000000000000000000000		200 milion pri beste si	0.0	\$0	\$0	\$0
Land		300000000000000000000000000000000000000		0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)	\$2,000	1-Jan-2005	19-Mar-2008	3.2	\$321	n/a	\$321
				mission,	rate for the 805 R	eboiler. Date require	
Notes for DELAYED costs	exceedai	nce and final date is	the date the Resp	ondent	is expected to ha	ve completed correct	live action.
Notes for DELAYED costs Avoided Costs					item (except for	one-time avoided c	osts)
	ANN			ntering 0.0	item (except for	one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel				ntering 0.0 0.0	item (except for \$0 \$0	one-time avoided c	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN			0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	one-time avoided c	s0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN			0.0 0.0 0.0 0.0 0.0	tem (except for \$0	one-time avoided c	s0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN			0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	one-time avoided c	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN			ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	one-time avoided c	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN			0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	one-time avoided c	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		250-540-1501-0000-2-10005-003000-004-000	No. 2007-1427-AIR-E	PCW
	TOTAL PETROCHEMICA	ALS USA, INC.		Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		•		PCW Revision June 26, 2007
Media [Statute]				
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin. Code §	§ 101.20(3), 116.115(b)(2 7, Air Permit No. 9195A a Health & Safety Code §	()(F) and (c), 122.143(4), FOP and PSD-TX-453M6, SC 1, an 382.085(b)	No. O- d Tex.
Violation Description			vable emissions limit. Specifica are released from the Tail Gas asphere.	
			Base	Penalty \$10,000
>> Environmental, Property a	ınd Human Health M	atrix		
	Harm			
Release OR Actual	Major Moderate	X		
Potential			Percent 25%	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
			Percent 0%	
Matrix Notes Human hea not exceed	Ith or the environment has levels that are protective	s been exposed to insignif of human health or enviro violation.	ficant amounts of pollutants w onmental receptors as a result	hich do of the
			Adjustment	\$7,500
				\$2,500
Violation Events				
	1	1	Number of violation days	S
			and the second of the second o	
mark only one with an x	daily monthly quarterly semiannual annual single event		Violation Base	Penalty \$2,500
	One q	uarterly event is recomme	ended.	72 (1
Economic Benefit (EB) for th	is violation	-9-	Statutory Limit Tes	t
Estimate	d EB Amount	\$0	Violation Final Pena	Ity Total \$7,500
	-		ssessed Penalty (adjusted fo	
		inis violation Final As	ssesseu renany (adjusted fo	n mintəj

Respondent Case ID No.	TOTAL PETRO	CONOMIC E OCHEMICALS USA,		orks	heet		100 m
Reg. Ent. Reference No. Media Violation No.	RN102457520 Air					Percent Interest	Years of Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	15 EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Bulldings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0
Engineering/construction Land		1		0.0	\$0 \$0	n/a	\$0 \$0
Record Keeping System				0.0	\$0 \$0	n/a	\$0
Training/Sampling		10 Car (3 Sale (5 Car (0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs					on No. 1.	1116	
Avoided Costs	ANN	IUALIZE [1] avoide	ed costs before e			one-time avoided o	
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0 \$0	\$0
Inspection/Reporting/Sampling				0,0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.0	φ0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.0	\$0 \$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0			TOTAL		\$0

Screening Date	1-Nov-2007 Docket No. 200	07-1427-AIR-E PCW
Respondent	TOTAL PETROCHEMICALS USA, INC.	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision June 26, 2007
Reg. Ent. Reference No.		
Media [Statute]		***************************************
Enf. Coordinator		
Violation Number	8	
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and (3), 113.780, 116.1 Federal Regulations ("CFR") § 60.104(a)(2)(i), FOP No. O Air Permit No. 9195A and PSD-TX-453M6, SC 3, and To 382.085(b)	-01267, GTC, SC 1A and 27,
Violation Description	Failed to limit the discharge of Sulfur Dioxide ("SO2") into per million ("ppm") by volume at 0% excess air from the C Specifically, 24 exceedances of the 250 ppm SO2 12-documented on July 2-3, 2006 from the Sulfur Recovery (units IDs 14SRU1PCV and 33SRU	Claus Sulfur Recovery plant. hour rolling average were Unit 1 and 2 process vents
		Base Penalty \$10,000
	100 B W W W	-
>> Environmental, Property a	nd Human Health Matrix Harm	
Release	Major Moderate Minor	***************************************
OR Actual	X X	p
Potential	Per	rcent25%
>> Programmatic Matrix		***************************************
>>Programmatic Matrix Falsification	Major Moderate Minor	
		rcent 0%
	th or the environment has been exposed to insignificant am levels that are protective of human health or environmental violation.	
	Adiu	stment \$7,500
		\$2,500
Violation Events		
	Nui	mber of violation days
	daily	
mark only one with an x	monthly quarterly x semiannual annual sirgle event	Violation Base Penalty \$2,500
	single event	The state of the s
	One quarterly event is recommended.	
Economic Benefit (EB) for th	s violation St	atutory Limit Test
Estimated	EB Amount \$0	Violation Final Penalty Total \$7,500
	**************************************	-
	This violation Final Assessed	Penalty (adjusted for limits) \$7,500

Violation No.	Air o					Percent Interest	Years of Depreciation
Violation ivo.	O					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$				un gilangila k		
Delayed Costs	1 1 1		i Para				200
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction		380000000000000000000000000000000000000		0,0	\$0 \$0	\$0 n/a	\$0 \$0
Land				0.0	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System Training/Sampling				0.0	\$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs			Refert	o Violatio		agam wise as eyell. In	Oreanio (S
Avoided Costs	ANN	IUALIZE [1] avoide	d costs before e			one-time avoided c	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0 \$0	\$0 30 50	\$0 \$0
Supplies/equipment				0,0	\$0 \$0	\$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0	\$0
ONE-TIME avolued costs [3]			January Commence	0.0	\$0	\$0	\$0
Other (as needed)	Herana and the control of the contro	Processor State of Action State of Stat		11. 212	**************************************	1 YY	¥ 5
Other (as needed)							

Screening Date			No. 2007-1427-AIR-E	PCW
	TOTAL PETROCHEMICAL	S USA, INC.		ision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			PCV	V Revision June 26, 2007
Media [Statute]				***************************************
Enf. Coordinator				
Violation Number	9			anni anni anni anni anni anni anni anni
Rule Cite(s)	30 Tex. Admin. Code §§ 01267, GTC, SC 1A and	§ 113.340, 115.352(4), 1 27, Air Permit No. 5638(Safety Code § 382	16.155(c), 122.143(4), FOP No. O- 5, SC 12E and 15, and Tex. Health & .085(b)	
Violation Description			th a cap, blind flange, plug or second rere found missing at Tanks 504, 595	
			Base Penalty	\$10,000
>> Environmental, Property a	nd Human Health Mai	trix		
Release	Harm Major Moderate	Minor		
OR Actual	Major Moderate			-
Potential		X	Percent 10%	
>>Programmatic Matrix		22 × 10 × 10 × 10 × 10 × 10 × 10 × 10 ×		
Falsification	Major Moderate	Minor	Percent 0%	***************************************
		[2004]-900-4[2008]-001	reiteit 070	
Matrix Notes Human health would not exc	n or the environment will or ceed levels that are protect	could be exposed to insive of human health or entire the violation.	ignificant amounts of pollutants which environmental receptors as a result of	
			Adjustment \$9,000	
				\$1,000
Violation Events				
Number of Vio	lotion Events 4		Number of violation days	
Number of vio	Idilon Events 1		Number of violation days	
mark only one with an x	daily monthly quarterly semiannual		Violation Base Penalty	\$1,000
	annual single event x			
	One sir	ngle event is recommen	ded.	***************************************
Economic Benefit (EB) for thi	s violation		Statutory Limit Test	
Estimated	I EB Amount	\$13	Violation Final Penalty Total	\$3,000
		This violation Final As	sessed Penalty (adjusted for limits)	\$3,000
			-	

Respondent Case ID No.	TOTAL PETRO	CONOMIC I OCHEMICALS USA	Longo De Longo De La Companyo de La	orks	heet,		
Reg. Ent. Reference No.							
Media						Percent Interest	Years of
Violation No.	9					Percent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	***				1000000	9.731
Delayed Costs	1, 1	the second					
Equipment				0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)	100000000000000000000000000000000000000			0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	1004	\$0
Training/Sampling				0,0	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)	\$500	7-Mar-2007	18-Sep-2007	0,0	\$0 \$13	n/a	\$13
Notes for DELAYED costs		e required is the da		es were	discovered and p	s are in place and ar lugged and final date ures in place.	
Avoided Costs	ANN	NUALIZE [1] avoide	ed costs before e	ntering	item (except for	one-time avoided c	
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
				0,0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2]				0.0	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				4.400.00		THE RESIDENCE OF STREET AND ADDRESS OF THE PROPERTY OF THE PRO	
Supplies/equipment Financial Assurance [2]			<u></u>	0.0	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				4.400.00		\$0	

Scre	ening Date 1-Nov-2007	Docket	No. 2007-1427-AIR-E	PCW
	Respondent TOTAL PETROC	HEMICALS USA, INC.	Policy Rev	rision 2 (September 2002)
	Case ID No. 34555		PCI	N Revision June 26, 2007
	ference No. RN102457520			
	lia [Statute] Air			
	Coordinator Daniel Siringi			
VIOI	ation Number 10 Rule Cite(s)			
Violatio	30 Tex. Admin. Control Permit No.	56385, SC 4 and 5, and Tex. Here ent venting of VOC emissions dire	ectly to the atmosphere through the great tanks	
			Base Penalty	\$10,000
>> Environmenta	l, Property and Human He	alth Matrix		·
		Harm		***************************************
OR	Release Major M Actual	oderate Minor		
UN	Potential	X	Percent 25%	***************************************
	, otoman			
>>Programmatic	Matrix			
	Falsification Major M	oderate Minor	-	
			Percent 0%	
Matrix Notes			icant amounts of pollutants which do onmental receptors as a result of the	
			Adjustment \$7,500	
		i v	<u></u>	\$2,500
			<u>L.</u>	
Violation Events				***************************************
		AND THE PROPERTY OF THE PROPER	N	and an area of the
	Number of Violation Events	2 1	Number of violation days	***************************************
	daily			***************************************
	monthly		_	
	mark only one quarterly	X	Violation Base Penalty	\$5,000
	with an x semiannual			
	annual			
	single event	***************************************		***************************************
	Two quarterly ev	ents are recommended, each rep	resenting one frac tank.	
Economic Benefi	t (EB) for this violation		Statutory Limit Test	
		\$104	Violation Final Penalty Total	\$15,000
	Estimated EB Amount	Φ1U4]	VIOIALIOII I IIIAI FEIIAILY TOLAI	
		This violation Final As	sessed Penalty (adjusted for limits)	\$10,000

		conomic E		orks	heet		
		OCHEMICALS USA,	INC.		****		
Case ID No. Reg. Ent. Reference No.							
Media					•	B	Years of
Violation No.						Percent Interest	Depreciation
					THE RESERVE	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				1000000	100	
3000 D 300 D 31 X 1 X 1 X 1 X 1 X 1 X 1 X 1 X 1 X 1					and the second second	The second secon	
Delayed Costs				7			
Equipment				0,0	\$0	\$0	\$0
Buildings Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	ň/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling	()			0,0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs	40.000	7.14 0007	40.84	0,0	\$0	n/a	\$0
Other (as needed)	\$2,000	7-Mar-2007	19-Mar-2008	1.0	\$104	n/a	\$104
At the Competition of the		st of preventing VOC					
Notes for DELAYED costs	life date of i	investigation and in	ai date is the date	actions		ted to complete and	rie corrective
Avoided Costs	ANN	IUALIZE [1] avoide	d costs before e				
Disposal				0.0	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
110100 101711 01111111			1000			(1000)	
	<u> </u>						
				1		<u> </u>	
Approx. Cost of Compliance		\$2,000			TOTAL		\$104
		,					

Screening [Date 1-Nov-2007	Dock	e t No. 2007-1427-AIR-E	PCW
\$ 1. Artist albeid an instrument of the state of the state of the best of The discussion.	dent TOTAL PETROCHEMI	CALS USA, INC.	•	Revision 2 (September 2002)
	No. 34555		F	CW Revision June 26, 2007
Reg. Ent. Reference	10 (4 (9 (9 (9 (9 (9 (9 (9 (9 (9 (9 (9 (9 (9			
Media [Stat	ator Daniel Siringi			
Violation Nu	***************************************			
Rule C	ite(s)			
	30 Tex. Admin. Code §), FOP No. O-01267, GTC and SC 27, Ai alth & Safety Code § 382.085(b)	
Violation Descri			ank as white or aluminium. Specifically, erved and documented by the TCEQ rich 7, 2007.	
			Base Penalty	\$10,000
>> Environmental, Prope	rty and Human Health	Matrix		
Dal	Harm			
	ease Major Modera	te Minor		
	ential	×	Percent 10%	
	<u> </u>			
>>Programmatic Matrix	ation Major Modera	ite Minor		
Falsific	ation Major Modera	ite ivinor	Percent 0%	
	The state of the s			=
			insignificant amounts of pollutants which nvironmental receptors as a result of the	
			Adjustment \$9,000	
				\$1,000
				\$1,000
Violation Events				
NII	-674-1-6	nover beengeging	Number of violation days	
Number	of Violation Events 1		1 Number of violation days	
	daily			
	monthly			\$1,000
mark only with a			Violation Base Penalty	\$1,000
	annual			
	single event x			
[Massassassassass				
	On	e single event is recomm	nended.	
Economic Benefit (EB) fo	or this violation		Statutory Limit Test	
Esti	mated EB Amount	\$150	Violation Final Penalty Total	\$3,000
*		This violation Final	Assessed Penalty (adjusted for limits)	· \$3,000
		iiiia vioiatioii Filläl	nasessed i enaity (adjusted for fillills)	ψ0,000

Respondent Case ID No.	TOTAL PETRO	CONOMIC I		orks	sheet		
Reg. Ent. Reference No. RN102457520 Media Air Violation No. 11						Percent Interest Years of Depreciation	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		i se		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	7-Mar-2007	19-Mar-2008	1,0	\$3	\$69	\$72
Land				0,0	\$0	n/a	\$0
Record Keeping System	9000			0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs	\$1,500	7-Mar-2007	19-Mar-2008	1,0	\$78	n/a	\$78
Other (as needed)				0,0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	and/or the per	mit amendment cos	t. Date required is estimated	the date d compl	e the violation was lance date.	e uninsulated tank ex discovered and the one-time avoided c	final date is the
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0:
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
			2000 CONTRACTOR (100 CONTRACTO	2			

Screening Date	1-Nov-2007	Docket No. 2007-1427-AIR-	PCW
	TOTAL PETROCHEMICALS USA, II	NC.	Policy Revision 2 (September 2002)
Case ID No.			PCW Revision June 26, 2007
Reg. Ent. Reference No.			
Media [Statute] Enf. Coordinator			
Violatoin Number			
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c), Permit No. 49743, SC 8, at	122.143(4), FOP No. O-01267, GT nd Tex. Health & Safety Code § 382	C and SC 27, Air .085(b)
Violation Description	Dock 2. Specifically, a total of 1,660	ading limit of 500,050 barrels per ye),191 barrels of Gas Oil at Dock 2 w through December 2006.	ar of Gas Oil at ere loaded from
			Base Penalty \$10,000
>> Environmental, Property a			
Release	Harm Major Moderate Mino	r	
OR Actual Potential		Percent	25%
>>Programmatic Matrix			
Falsification	Major Moderate Mino		
		Percent	0%
	th or the environment will or could be d levels that are protective of human viol		
		Adjustment	\$7,500
			\$2,500
Violation Events			
Number of Vic	olation Events 4	Number of violat	ion days
	daily monthly	Violetic	on Base Penalty \$10,000
mark only one with an x	quarterly x semiannual annual single event	Violand	The base i enaity (10,000
	Four quarterly even	ts are recommended.	-
Economic Benefit (EB) for th	is violation	Statutory Lin	nit Test
Estimated	I EB Amount	697 Violation Fin	al Penalty Total \$30,000
	This viol	ation Final Assessed Penalty (adj	usted for limits) \$30,000

Violation No	Air 12					Percent Interest	Years of Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				.			
Equipment				0.0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System				0,0	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling				0.0	\$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a	φυ \$0
Permit Costs Other (as needed)	\$5,000	1-Jan-2005	15-Oct-2007	2.8	\$697	n/a	\$697
Ottlet (as needed)	Estimated o	ost of training perso		a restric	tions. Date require	ed is the date training	
Notes for DELAYED costs	been offered a	and final date is the	onnel on the loadin date the Respond	ent subn en compl	nitted documental eted:	ed is the date training lion that training and	g should have counseling had
Notes for DELAYED costs Avoided Costs	been offered a	and final date is the	onnel on the loadin date the Respond	ent subn en compl ntering	nitted documental leted, item (except for	llon that training and ভানিস one-time avoided c	g should have counseling had osts)
Notes for DELAYED costs Avoided Costs Disposal	been offered a	and final date is the	onnel on the loadin date the Respond	ent subn en compl ntering 0.0	nitted documental eted. item (except for \$0	tion that training and	g should have counseling had costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	been offered a	and final date is the	onnel on the loadin date the Respond	ent subnen complen com	nitted documental eted: item (except for \$0 \$0	tion that training and constructions one-time avoided of \$0 \$0	g should have counseling ha costs) \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	been offered a	and final date is the	onnel on the loadin date the Respond	ent subnen complen com	nitted documental eted; Item (except for \$0 \$0	lion that training and	g should have counseling has sosts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	been offered a	and final date is the	onnel on the loadin date the Respond	ntering 0.0 0.0 0.0 0.0	nitted documental leted. Item (except for \$0 \$0 \$0	lon that training and	g should have counseling has sosts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	been offered a	and final date is the	onnel on the loadin date the Respond	ent subnen complement of the c	nitted documental eted; ltem (except for \$0 \$0 \$0 \$0 \$0	lon that training and	g should have counseling has sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	been offered a	and final date is the	onnel on the loadin date the Respond	ntering 0.0 0.0 0.0 0.0	nitted documental leted. Item (except for \$0 \$0 \$0	lon that training and	g should have counseling has sosts) \$0 \$0 \$0 \$0 \$0

Screening Date		2013; 0. 360000000 2013 343 343 4444444444444444444444	No. 2007-1427-AIR-E	PCW
	TOTAL PETROCHEMICA	ALS USA, INC.		Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.				PCW Revision June 26, 2007
Media [Statute]				
Enf. Coordinator				
Violation Number	13			
Rule Cite(s)	30 Tex. Admin. Code §		16.115(c), 122.143(4), FOP 1 385, SC 12 F and 15, and Te 2.085(b)	
Violation Description	through December 2006		arbon gas analyzer from Janu was not performed on Tanks 05 and 2006.	
			Base	Penalty \$10,000
>> Environmental, Property a Release OR Actual Potential	Harm Major Moderate	Minor X	Percent 25%	
>>Programmatia Matrix				
>>Programmatic Matrix Falsfication	Major Moderate	Minor		
			Percent 0%	
Matrix Facility/Con	mpound specific emission publication. Human health nts which would not exceed	factors from the EPA "Pro or the environment has be	OC were calculated utilizing to tocol for Equipment Leak En een exposed to insignificant as of human health or environnation.	nission Imounts
		4.000	Adjustment	\$7,500
				\$2,500
Violation Events				
Number of Vio	olation Events 8	730	Number of violation days	5
mark only one with an x	daily monthly quarterly x semiannual annual single event		Violation Base	Penalty \$20,000
E	ight quarterly events are re	ecommended for all four c	quarters of 2005 and 2006.	
Economic Benefit (EB) for th	is violation		Statutory Limit Tes	t
Estimate	d EB Amount	\$446	Violation Final Pena	ılty Total \$60,000
		This violation Final As	sessed Penalty (adjusted fo	or limits) \$60,000

Violation No.	Air					Percent Interest	Years of Depreciation
Violation ivo.	13					5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					198	
Delayed Costs		11	I	il oo	6 0	60 1	60
Equipment Buildings				0.0	\$0 \$0	\$0 \$0	\$0 \$0
				0.0	\$0 \$0	\$0	\$0 \$0
Other (as needed) Engineering/construction				0.0	\$0	\$0 \$0	\$0
Engineering/construction Land				0.0	\$0	n/a	\$0
Record Keeping System	800000000000000000000000000000000000000			0.0	\$O	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,200	1-Jan-2005	15-Oct-2007	2.8	\$446	n/a	\$446
	Estimated cos	t of implementing r	rocedures to ensu	re quarte	rly fualtive monito	ring is performed on	Tanks 595 and
Notes for DELAYED costs	596, Date red	quired is the first da	ite that monitoring updated the re	was not efinery's	performed and fina LDAR program.	ring is performed on al date is the date th	e Respondent
Avoided Costs	596, Date red	quired is the first da	ite that monitoring updated the re	was not efinery's ntering	performed and find LDAR program. Item (except for o	al date is the date the	e Respondent
Avoided Costs	596, Date red	quired is the first da	ite that monitoring updated the re	was not efinery's ntering 0.0	performed and fine LDAR program. item (except for one of the control of the contr	al date is the date the one-time avoided c	e Respondent osts) \$0
Avolded Costs Disposal Personnel	596, Date red	quired is the first da	ite that monitoring updated the re	was not efinery's ntering 0,0 0.0	performed and fini LDAR program. Item (except for o \$0 \$0	al date is the date the cone-time avoided cone-time avoided cone-time \$0	e Respondent osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	596, Date red	quired is the first da	ite that monitoring updated the re	was not efinery's ntering 0.0 0.0 0.0	performed and fini LDAR program. item (except for o \$0 \$0 \$0	one-time avoided c	e Respondent osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	596, Date red	quired is the first da	ite that monitoring updated the re	was not effinery's ntering 0.0 0.0 0.0 0.0	performed and fin- LDAR program. item (except for a \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	596, Date red	quired is the first da	ite that monitoring updated the re	was not effinery's 0.0	performed and final LDAR program. Item (except for a \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	e Respondent SO SO
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	596, Date red	quired is the first da	ite that monitoring updated the re	was not efinery's ntering 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0 0,0	performed and fine LDAR program. item (except for company) \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided come-time avoided comestime some some some some some some some so	e Respondent SO
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	596, Date red	quired is the first da	ite that monitoring updated the re	was not effinery's 0.0	performed and final LDAR program. Item (except for a \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	e Respondent Solution

Screening Date		Contraction of the contraction o	lo. 2007-1427-AIR-E	PCW
Respondent Case ID No.	TOTAL PETROCHEMICA	ALS USA, INC.		Policy Revision 2 (September 2002) PCW Revision June 26, 2007
Reg. Ent. Reference No.				POW Newslon sune 20, 2001
Media [Statute]				
Enf. Coordinator	Daniel Siringi			the same and the same and the same and
Violation Number				
Rule Cite(s)		101 20(2), 122 143(4), 40	CFR § 61.354(d), FOP No. C)-01267
		C 1A, and Tex. Health & Sa		
			when carbon breakthrough -9, 2005, the carbon caniste	200000000000000000000000000000000000000
Violation Description	for the Southeast of the G	Gas Heater Treater ("GHT") was determined through me	onitoring
	to have exceeded its breat	akthrough limitations of 50 se carbon canister was ren	ppm and was venting direct laced on January 10, 2005.	ly to the
	danospiicie. m	ic carbon carillest macrop	.0000 011 0411041, 7 04, 2000.	
				WAAA FEACULE PROPERTY AND
			Base	Penalty \$10,000
>> Environmental, Property :	and Human Health Ma	atrix	22.45.725	
	Harm			
OR Release	r	Minor x		
Potentia			Percent 25%	

>>Programmatic Matrix	M. I	NA:		
Falsification	Major Moderate	Minor	Percent 0%	
<u>L </u>	Janones de la companya de la company			
			cant amounts of pollutants wi	
Matrix not exceed	levels that are protective	of human health or enviror violation.	nmental receptors as a result	of the
		Violation.		
			Adjustment	\$7,500
			-	\$2,500
				Ψ2,300
Violation Events				
Number of Vi	olation Events 1	7	Number of violation days	
Number of Vi	olation Events		I valiber of violation days	
	daily			
	monthly		Violeties Been	Penalty \$2,500
mark only one with an x	quarterly x semiannual	· · · · · · · · · · · · · · · · · · ·	Violation Base	Penalty \$2,000
	annual			
	single event			
	One qu	arterly event is recommer	ided.	
Economic Benefit (EB) for th	vie violation		Statutory Limit Tes	
Economic Denem (ED) for tr	15 VIUIAUUII		Statutory Limit 185	
Estimate	d EB Amount	\$5	Violation Final Pena	Ity Total \$7,500
		This violation Final Ass	sessed Penalty (adjusted fo	r limits) \$7,500
				, , , , , , , , , , , , , , , , , , , ,

						Percent Interest	Years of Depreciatio
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	EB Amoun
Item Descriptio							
Delayed Cost	S	162					
Equipment				0,0	\$0	\$0	\$0_
Bulldings				0,0	\$0	\$0	\$0
Other (as needed)	\$4,000	3-Jan-2005	10-Jan-2005	0,0	\$0	\$5	\$5
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
			20040000000000000000000000000000000000				
Remediation/Disposal			al cities	0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Permit Costs Other (as needed)	Estimated co			0,0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost	first da	st of placing fresh cate of breakthrough	arbon in the carbo and final date is th	0.0 0.0 n caniste e date th	\$0 \$0 ers for the Southeane Respondent relitem (except for	n/a n/a ast of the GHT. Date blaced the carbon ca bne-time avoided c	\$0 \$0 e required is the anisters.
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost Disposal	first da	st of placing fresh cate of breakthrough	arbon in the carbo and final date is th	0.0 0.0 caniste e date the	\$0 \$0 ers for the Southeane Respondent relitem (except for \$0	n/a n/a ast of the GHT. Date blaced the carbon ca cone-time avoided of \$0	\$0 \$0 e required is the anisters. eosts)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel	first da	st of placing fresh cate of breakthrough	arbon in the carbo and final date is th	0.0 0.0 caniste e date the ntering 0.0 0.0	\$0 \$0 ers for the Southeane Respondent relitem (except for \$0 \$0	n/a n/a ast of the GHT. Date placed the carbon ca cone-time avoided co \$0 \$0	\$0 \$0 e required is the anisters. sosts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs AVOIDED COST Disposal Personnel Inspection/Reporting/Sampling	first da	st of placing fresh cate of breakthrough	arbon in the carbo and final date is th	0.0 0.0 n caniste e date th ntering 0.0 0.0	\$0 \$0 ers for the Southea ne Respondent re item (except for \$0 \$0	n/a n/a ast of the GHT. Date placed the carbon ca cone-time avoided co \$0 \$0 \$0 \$0	\$0 \$0 required is the anisters. sosts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	first da	st of placing fresh cate of breakthrough	arbon in the carbo and final date is th	0,0 0.0 n caniste e date th ntering 0.0 0.0 0.0	\$0 \$0 ers for the Souther the Respondent re the first state of the southern state of the	n/a n/a ast of the GHT. Date placed the carbon or cone-time avoided or \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 e required is the anisters. sosts) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	first da	st of placing fresh cate of breakthrough	arbon in the carbo and final date is th	0.0 0.0 0.0 n caniste e date th ntering 0.0 0.0 0.0 0.0	\$0 \$0 ers for the Southeane Respondent relitem (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a set of the GHT. Date blaced the carbon	\$0 \$0 \$0 e required is the anisters. sosts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	first da	st of placing fresh cate of breakthrough	arbon in the carbo and final date is th	0,0 0.0 n caniste e date th ntering 0.0 0.0 0.0	\$0 \$0 ers for the Souther the Respondent re the first state of the southern state of the	n/a n/a ast of the GHT. Date placed the carbon or cone-time avoided or \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 e required is the anisters. sosts) \$0 \$0 \$0

Screening Date	1-Nov-2007	Docket N	o. 2007-1427-AIR-E	PCW
	TOTAL PETROCHEMICA	LS USA, INC.		Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				an annual and a second
Media [Statute] Enf. Coordinator				
Violation Number				one or the state of the state o
Rule Cite(s)				
	30 Tex. Admin. Code §§	101.20(1), 116.115(c), 12. C and SC 1A and 27, Air P Health & Safety Code § 3	Permit No. 56385, SC 13, a	
Violation Description	indicated by monitoring for the North stormwater s breakthrough limitations	nediately with fresh carbon Specifically, on March 23-2 sump was determined thro s of 50 ppm and was vention or canister was replaced on	25, 2005, the carbon canis ugh monitoring to have ex ng directly to the atmosph	ter series ceeded its
			Bas	se Penalty \$10,000
		••		-
>> Environmental, Property a	ind Human Health Ma Harm	itrix		
Release	Major Moderate	Minor		and an and an
OR Actual		X		
Potential			Percent 25%	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor	· .	Michigan
			Percent 0%	
	Ith or the environment has levels that are protective of			
			Adjustment	\$7,500
				\$2,500
				Ψ2,000
Violation Events				
Number of Vio	plation Events 1	5	Number of violation da	ys
mark only one with an x	daily monthly quarterly semiannual annual		Violation Ba	se Penalty \$2,500
	single event	arterly event is recommen	ded.	
Economic Benefit (EB) for thi	is violation		Statutory Limit Te	st
. Estimated	d EB Amount	\$4	Violation Final Per	nalty Total \$7,500
Esumateu	* FB Allivant	***************************************		-
		This violation Final Ass	essed Penalty (adjusted	for limits) \$7,500

Case ID No.	RN102457520		, INC.		heet		
Reg. Ent. Reference No. I Media Violation No.	Air					Percent Interest	Years of Depreciation
						5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount

Delayed Costs		0		0.0	\$0	1 \$0 T	# 0
Equipment Buildings				0.0	\$0 \$0	\$0	\$0 \$0
Other (as needed)	\$4,000	23-Mar-2005	28-Mar-2005	0,0	\$0 \$0	\$4	\$4
Engineering/construction	φ4,000	23-IVIAI-2000	20-IVIAI-2000	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		18,68,686,688,68		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	73 53 53 53 65	ESPERANTE ESPERANTE		0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)	Saltie Saltie			0,0	\$0	n/a	\$0
Notes for DELAYED costs	the first o	late of breakthroug	h and final date is	ntering 0.0 0.0 0.0	the Respondent Item (except for \$0 \$0 \$0 \$0	Stormwater Sump. D replaced the carbon one-time avoided c \$0 \$0 \$0	canisters.
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	A.			0,0 0,0 0,0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]				0,0	\$0	\$0	\$0 \$0

Screening Date	CARCALL SAN SCHOOL SAN	PCW
		ry Revision 2 (September 2002)
Case ID No.		PCW Revision June 26, 2007
Reg. Ent. Reference No. Media [Statute]		
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code §§ 116.110(a), 122.143(4), FOP No. O-01267, GTC, and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to obtain permit authorization for four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front of Dock 3A and South Side Dock 3B. Specifically, the four units were documented as releasing emissions to the atmosphe during the investigation on March 7, 2007, without a permit or authorization.	е
	Base Pena	lty \$10,000
>> Environmental, Property a	nd Human Health Matrix	
Palana	Harm Majoreta Minor	
Release OR Actual	Major Moderate Minor	
Potential	Percent 25%	
>> Due sure proventie Metalia		
>>Programmatic Matrix Falsification	Major Moderate Minor	
	Percent 0%	,
Matrix Human hea	th or the environment has been exposed to insiginficant amounts of pollutants which d levels that are protective of human health or environmental receptors as a result of the	Ó
Notes	violation.	66-00 1-00 1-00 1-00 1-00 1-00
<u> </u>		
	Adjustment \$7,5	00]
		\$2,500
Violation Events		
Violation Events		
Number of Vid	lation Events 12 183 Number of violation days	
	daily monthly	
, mark only one	quarterly X Violation Base Pena	lty \$30,000
with an x	semiannual	
-	annual single event	
	Single Stelle	
Twelve qu	arterly events are recommended, three for each of the four units, from investigation to	***
	screening.	
Economic Benefit (EB) for th	is violation Statutory Limit Test	
		tal \$90,000
Estimate	I EB Amount \$192 Violation Final Penalty To	
	This violation Final Assessed Penalty (adjusted for limi	ts) \$90,000

	Е	conomic I	Benefit W	orksl	neet		
		CHEMICALS USA	, INC.			1 2	
Case ID No.	34555						
Reg. Ent. Reference No.	RN102457520					2	
Media	Air					Percent Interest	Years of
Violation No.	16						Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
item bescription	NO COMMISSION	7.7					
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$2,500	7-Mar-2007	19-Sep-2008	1,5	\$192	n/a	\$192
Other (as needed)				0,0	\$0	n/a	\$0
Notes for DELAYED costs		the final d	ate is the estimate	d date of	corrective action	ired is the date of inv a completion. one-time avoided o	
Avoided Costs	AND	IUALIZE [1] avoid	ed costs perore e				
Disposal			Service Control of the Control of th	0,0	\$0 \$0	\$0 \$0	\$0 \$0
Personnel				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.0	\$0 \$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0 \$0
ONE-TIME avoided costs [3] Other (as needed)				0.0	\$0	\$0	\$0
Other (as needed)		1	l .	<u> </u>	ΨΟ	., ψυ	ΨΟ
					e semberakita eatika k		
Notes for AVOIDED costs							
Notes for AVOIDED costs							and the
Notes for AVOIDED costs							HAP.
Notes for AVOIDED costs Approx. Cost of Compliance		\$2,500		ſ	· TOTAL		\$19

Screening Date	1-Nov-2007	Docke	e t No. 2007-1427-AIR-E		PCW
	TOTAL PETROCHEMICA	ALS USA, INC.		Policy Rev	ision 2 (September 2002)
Case ID No				PCV	V Revision June 26, 2007
Reg. Ent. Reference No					
Media [Statute] Enf. Coordinator					
Violation Numbe	·				
Rule Cite(s	30 Tex, Admin. Code § CFR § 60.592(a), FOP I		115.352(2), 116.115(c), 122. SC 1A, Air Permit No. 19965 y Code § 382.085(b)		
Violation Description	("LPG") loading area with valve packings, two value designated as infeasible	thin 15 days after the d alve screwed fittings an	onents in the Liquefied Petrole iscovery of the leaks. Specifi id two valve bushings were in repaired within 15 days as d on March 7, 2007.	cally, eight correctly	
			Ва	ase Penalty	\$10,000
>> Environmental, Property	and Human Health M	atrix			
Release	Harm Major Moderate	e Minor			
OR Actua	·	×			
Potentia			Percent 25%		
M.M.					
>>Programmatic Matrix Falsification	Major Moderate	e Minor			
			Percent 0%		
Matrix health or	ctors from the EPA "Protoc the environment has been	ol for Equipment Leak n exposed to insignifica	utilizing the Facility/Compoun Emission Estimates" publicat nt amounts of pollutants whic onmental receptors as a resu	ion. Human h do not	
			Adjustment	\$7,500	
			-		\$2,500
				L	\$2,500
Violation Events					•
		een	Number of violation of	love	-
Number of V	olation Events 2		Number of violation o	iays	
mark only one with an x	daily monthly quarterly x		Violation B	ase Penalty	\$5,000
Will Gill A	semiannual annual single event				
Two quarter		ed from the investigation late of September 6, 20	n date of March 7, 2007 to th 07.	e screening	
Economic Benefit (EB) for tl	nis violation		Statutory Limit T	est	
Estimate	ed EB Amount	\$0	Violation Final Po	enalty Total	\$15,000
· Carange and a		This violation Final	Assessed Penalty (adjuste	d for limite)	\$15,000
		i iliə violation Final	Assessed Femality (aujuste	. ivi illinta)[_	Ψ10,000

Respondent Case ID No. Reg. Ent. Reference No.	TOTAL PETRO 34555	CONOMIC B OCHEMICALS USA,		orks	neet		
Media Violation No.	Air					Percent Interest	Years of Depreciation
Item Description	item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	15 EB Amount
Delayed Costs							
Equipment [T T		l 0.0 l	\$0	\$0	\$0
Bulldings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	51053			0,0	\$0 .	\$0	\$0
Land [3 1 1 2	7		0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling	7,000			0,0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ANN	IUALIZE [1] avoidec		o Violatio	Section (one-time avoided o	
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Screening Date	1-Nov-2007	Docket I	No. 2007-1427-AIR-E	PCW
5 (4 (1) 1) 1 1 1 1 1 1 1 1	TOTAL PETROCHEMICAL	S USA, INC.	Policy	Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
Media [Statute] Enf. Coordinator				
Violation Number				
Rule Cite(s)				
	30 Tex. Admin. Code §§ 11	.5.114(а)(4), 122.143(4) Гех. Health & Safety Co	, FOP No. O-01267, GTC and SC 1 de § 382.085(b)	A.
Violation Description	453 from July through Dece			st
			Base Penal	ty\$10,000
>> Environmental, Property a Release OR Actual Potential >>Programmatic Matrix	Harm	Minor x	Percent 10%	
Falsification	Major Moderate	Minor		***************************************
			Percent 0%	
			ignificant amounts of pollutants which invironmental receptors as a result of	
			Adjustment \$9,00	00
				#4.000
				\$1,000
Violation Events				

Number of Vic	olation Events 1	30	Number of violation days	***************************************
mark only one	daily monthly quarterly		Violation Base Penal	ty \$1,000
with an x	semiannual annual single event x			
	One sir	igle event is recommend	ded.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimated	d EB Amount	\$97	Violation Final Penalty Tot	al \$3,000
		This violation Final As	sessed Penalty (adjusted for limit	s) \$3,000
		Tioladon i mai Ao	(many (majastan isi iiiiii	-/1 +-1300

	a Air). 18					Percent Interest	Years of Depreciation
					14	5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Descriptio	n No commas or \$						
Delayed Cost	S						
Equipment				0,0	\$0	\$0	\$0
Bulldings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	** \$0 ***
Record Keeping System	\$86000 000 000			0,0	\$0 \$0	n/a	\$0 \$0
Training/Sampling				0,0	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal	-			0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)	\$1,500	1-Dec-2006	19-Mar-2008	1.3	\$0 \$97	n/a	\$0 \$97
Notes for DELAYED costs	Estimated of external float	ing roof tank 453. [e first dat	te inspection was	not performed and fi	
Notes for DELAYED costs Avoided Cost	external float	ing roof tank 453. I date the Re	Date required is the spondent is expect	e first dat ed to co	le inspection was mplete all the cor	not performed and fi	nal date is the o
	external float	ing roof tank 453. I date the Re	Date required is the spondent is expect	first dat ed to co ntering	le inspection was implete all the corr item (except for \$0	not performed and fi ective actions. one-time avoided c	nal date is the osts)
Avoided Cost Disposal Personnel	external float	ing roof tank 453. I date the Re	Date required is the spondent is expect	e first dat ed to co ntering 0.0 0.0	te inspection was implete all the corr item (except for \$0 \$0	not performed and fi rective actions. one-time avoided c \$0 \$0	nal date is the osts) \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling	external float	ing roof tank 453. I date the Re	Date required is the spondent is expect	e first dated to contering 0.0 0.0 0.0	te inspection was implete all the con item (except for \$0 \$0	not performed and flective actions. one-time avoided c \$0 \$0 \$0	nal date is the osts) \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	external float	ing roof tank 453. I date the Re	Date required is the spondent is expect	ntering 0.0 0.0 0.0 0.0	le inspection was mplete all the con item (except for \$0 \$0 \$0	not performed and fi ective actions. one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	external float	ing roof tank 453. I date the Re	Date required is the spondent is expect	ntering 0.0 0.0 0.0 0.0 0.0 0.0	te inspection was mplete all the conlitem (except for \$0 \$0 \$0 \$0 \$0	not performed and fi ective actions. one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	external float	ing roof tank 453. I date the Re	Date required is the spondent is expect	e first dat ed to co ntering 0.0 0.0 0.0 0.0 0.0	te inspection was mplete all the corritem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	not performed and flective actions. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	external float	ing roof tank 453. I date the Re	Date required is the spondent is expect	ntering 0.0 0.0 0.0 0.0 0.0 0.0	te inspection was mplete all the conlitem (except for \$0 \$0 \$0 \$0 \$0	not performed and fi ective actions. one-time avoided c \$0 \$0 \$0 \$0 \$0	nal date is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening	Date 1-Nov-2007	Dock	cet No. 2007-1427-AIR-E	PCW
Respo	ndent TOTAL PETRO	CHEMICALS USA, INC.	Policy F	Revision 2 (September 2002)
Case	ID No. 34555		. F	PCW Revision June 26, 2007
	ce No. RN102457520			***************************************
Media [St				
14.1.1.15.1.15.1.14.1.1.1.1.1.1.1.1.1.1.	inator Daniel Siringi			
Violation N	Lateria de la Contraction de l	- O-d- 22 100 142(4) 120 14E	(2)(A), 122.146(5)(D), FOP No. O-01267,	1
Kule	Cite(s) 30 rex. Admir	GTC, and Tex. Health & Sa		
Violation Desc	accurately cert	ify an annual compliance certific	is in semi-annual deviation reports and cation. Specifically, six deviations were not al compliance certifications for the years 2006.	
			Base Penalty	\$10,000
>> Environmental, Pro	perty and Human F	lealth Matrix		***************************************
		Harm		
OR F	Release Major Actual	Moderate Minor		
	Potential		Percent 0%	
>>Programmatic Matri	K			
	fication Major	Moderate Minor	possession of the state of the	
	X		Percent 25%	
Matrix Notes		100% of the rule requirement v	was not met.	
			Adjustment \$7,500	Accounted to the contract of t
				\$2,500
Violation Events				ľ
Numb	er of Violation Events	4	730 Number of violation days	·
			-	***************************************
	daily			
	monthly quarterly han x semiannual	×	Violation Base Penalty	\$10,000
	annual single event			
I Section 1				
		Four semi-annual events are re	commended	
Economic Benefit (EB)	for this violation		Statutory Limit Test	
E	stimated EB Amount	\$386	Violation Final Penalty Tota	\$30,000
	-	This waster Fire	al Assessed Penalty (adjusted for limits	\$30,000
		inis violation Fina	n Assessed Penany (adjusted for limits)	\$30,000

	Е	conomic E	Benefit W	orks	heet		
		OCHEMICALS USA,	INC.			1	27878333844444
Case ID No.							
Reg. Ent. Reference No.	RN102457520						
Media	Air					Percent Interest	Years of
Violation No.	19					r ercent interest	Depreciation
Control of the second						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
(Actua Decembra) and		Date Hequirea	Tilla Bate	110	meredi carca	Onethine Costs	_D /
ltem Description	No commas or \$						
Delayed Costs	le e	u I		1 0.0 I	#O	l \$0 l	#A 1
Equipment				0.0	\$0 \$0	\$0	\$0 \$0
Buildings Other (as needed)	More to the second			0.0	\$0 \$0	\$0	\$0
Engineering/construction				0.0	\$0 \$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	3, 1230,			0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,400	1-Jan-2005	19-Mar-2008	3.2	\$386	n/a	\$386
Notes for DELAYED costs		final date the R	espondent is exp	ected to	complete all the c		
Avoided Costs	ANN	NUALIZE [1] avoide	d costs before e	ntering	item (except for	one-time avoided c	osts)
Disposal				0,0	\$0	\$0	\$0
Personnel				0,0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$ 0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)		<u> </u>		0,0	\$0	\$0	\$0
Notes for AVOIDED costs							and the

Screening Date			io. 2007-1427-AIR-E	PCW
현실 사람들은 이 이번 경험을 하지 않는데 보이는 사람이 이렇게 하셨다면 하셨다. 이 회사를 받았다.	TOTAL PETROCHEMICALS	USA, INC.		Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.				PCW Revision June 26, 2007
Media [Statute]				
Enf. Coordinator				the second was seen and the second second
Violation Number	20			
Rule Cite(s)	30 Tex Admin Code 88 10	1.201(a)(1)(B), 122.14:	3(4), FOP No. O-01267 GTG	and SC
		Tex. Health & Safety C		
	Failed to submit the initial no			
Violation Description			e. Specifically, the emission Stack, EPN 60COGNSTK (
			CEQ until April 20, 2007.	modern
			Bas	e Penalty \$10,000
>> Environmental, Property a	ınd Human Health Matr	ix		
	Harm			
Release OR Actual	Major Moderate	Minor		
Potential			Percent 0%	
· · · · ·				
>>Programmatic Matrix Falsification	Major Moderate	Minor		
		X	Percent 1%	
Matrix	At least 70% (of the rule requirement	was mot	
Notes	At least 70% t	or the rule requirement	was met.	
<u> </u>				
			Adjustment	\$9,900
				\$100
Violation Events				
Number of Vio	olation Events 1	35	Number of violation day	/s
·		h		
	daily monthly			
mark only one	quarterly		Violation Bas	e Penalty \$100
with an x	semiannual			
	annual x			
	g	4		
	One sing	lle event is recommend	led.	
Economic Benefit (EB) for th	is violation		Statutory Limit Te	st

Estimated	d EB Amount	\$7	Violation Final Pen	alty Total \$300
	Т	his violation Final As	sessed Penalty (adjusted t	for limits) \$300

	E	conomic E	3enefit W	orks	heet		
		CHEMICALS USA	, INC.	SERVICE OCCUPATION OF THE OCCUPATION OCCUPATION OF THE OCCUPATION OCCUPATI	***************************************		
Case ID No.							
Reg. Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	*						
Equipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0 \$0	\$0 n/a	\$0 \$0
Land Santas Surface				0.0	\$0	n/a	\$0 \$0
Record Keeping System Training/Sampling				0.0	\$0 \$0	n/a	\$0
Remediation/Disposal				0.0	Ψ0 \$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	17-Mar-2007	15-Oct-2007	0.6	\$7	n/a	\$7
Notes for DELAYED costs	the plan	nt discovered the ev	ent and the final	date is th	e date revised pr	vent. Date required locedures were imple	emented.
Avoided Costs	ANI	IUALIZE [1] avoide	d costs before e			one-time avoided o	
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0 *0	\$0 \$0	\$0
Inspection/Reporting/Sampling				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]				0.0	\$0 \$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0	\$0 \$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							10 10 10 10 10 10 10 10 10 10 10 10 10 1
Approx. Cost of Compliance		\$250			TOTAL		\$7

Screening Date	1-Nov-2007	Docke	e t No. 2007-1427-AIR-E		PCW
그 아마스 아마스 그는 사람이 있는 것들은 사람들이 되었다고 있어 나가 통하는 이번 사람이 있다. 사람들이	TOTAL PETROCHEMI	CALS USA, INC.		Policy Revisi	on 2 (September 2002)
Case ID No.				PCW	Revision June 26, 2007
Reg. Ent. Reference No.					***************************************
Media [Statute] Enf. Coordinator					
Violation Number	21				***************************************
Rule Cite(s)	30 Tex. Admin, Code	§§ 101.20(3), 116.115(b) 27, Air Permit No. 16840 Health & Safety Code) and (b)(2)(F), 122.143(4), o and PSD-TX-688M2, GC 1 o § 382.085(b)	FOP No. O- , and Tex.	
Violation Description	emissions event whic 2007, (Incident No. 89 let-down valve causing was not properly rep	h occurred at the Cogen (9927) due to unexpected g the NOx steam system	216.64 lbs of NOx during a Stack, EPN 60COGNSTK o sticking of the 63PV3025 st to shutdown. Since the emisled to meet the demonstrati Admin. Code § 101.222.	n March 16, eam control ssions event	
ı	·		E	Base Penalty	\$10,000
>> Environmental, Property a	nd Human Haalth	Matrix			
>> Environmental, Froperty a	Harm	***************************************			
Release	Major Modera				
OR Actual Potential		X	Percent 25	%	
rotental				<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	
>>Programmatic Matrix					
Falsification	Major Modera	ate Minor	Barragut 0	7/	
			Percent 0	<u>%</u>	
Matrix Notes Human heal	th or the environment hevels that are protective	nas been exposed to insig ve of human health or env violation.	nificant amounts of pollutan vironmental receptors as a r	ts which do esult of the	
			Adjustment	\$7,500	***************************************
			Aujustinone	<u> </u>	
					\$2,500
Violation Events					
Number of Vic	lation Events 1		1 Number of violation	days	
	daily				
mark only one with an x	monthly quarterly x semiannual annual single event		Violation E	Base Penalty	\$2,500
	One	quarterly event is recom	mended.		
	io violettaa		Statutory Limit	Tost	
Economic Benefit (EB) for th	IS VIOIATION		otatutory Limit		
Estimated	l EB Amount	\$177	Violation Final F	Penalty Total	\$7,500
		This violation Final	Assessed Penalty (adjust	ed for limits)	\$7,500
				,	

Violation No	Air 21					Percent Interest	Years of Depreciation
Violation	1					5.0	1
,	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Descriptio	⊓ No commas or \$						
Delayed Costs	\$						
Equipment				0.0	\$0	\$0	\$0
Bulldings				0,0	\$0	\$0	\$0
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System			1990	0,0	\$0	n/a	\$0
Training/Sampling		XXX 36 12 11 11 11 11 11 11 11 11 11 11 11 11		0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0 .	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)	\$3,500	16-Mar-2007	19-Mar-2008	1.0	\$177	n/a	\$177
Notes for DELAYED costs Avoided Costs	emissions	event and final dat	e is the date the R	espond ntering	ent is expected to	. Date required is the complete all correct one-time avoided c	ve actions. osts)
Disposal				0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0 eo
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0 #0
ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
							CONTRACTOR SERVED FOR SECURIORS
Other (as needed)				10,0	ΙΨΟ	Ψυ	Ψ

Compliance History

CN600582399 Total Petrochemicals USA, Inc. Classification: Rating: 3.04 Customer/Respondent/Owner-Operator: **AVERAGE** Site Rating: 11.71 TOTAL PETRO CHEMICALS USA Classification: Regulated Entity: RN102457520 PORT ARTHUR REFINERY **AVERAGE** ID Number(s): WASTEWATER PERMIT WQ0000491000 TPDES0004201 WASTEWATER **PERMIT** WASTEWATER **PERMIT** TX0004201 16778 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS 2347 **PERMIT** 3615 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS **PERMIT** 5694 **PERMIT** 9194 AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS **PERMIT** 9195 10183 AIR NEW SOURCE PERMITS **PERMIT** 10908 AIR NEW SOURCE PERMITS **PERMIT** 10970 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS **PERMIT** 11273 AIR NEW SOURCE PERMITS **PERMIT** 11710 **PERMIT** AIR NEW SOURCE PERMITS 12697 AIR NEW SOURCE PERMITS **PERMIT** 14781 **PERMIT** 16423 AIR NEW SOURCE PERMITS **PERMIT** 16424 AIR NEW SOURCE PERMITS 16840 AIR NEW SOURCE PERMITS PERMIT AIR NEW SOURCE PERMITS **PERMIT** 5694A **PERMIT** 8983A AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS **PERMIT** 9195A AIR NEW SOURCE PERMITS 9194A PERMIT AIR NEW SOURCE PERMITS 9193A **PERMIT** 17352 AIR NEW SOURCE PERMITS PERMIT AIR NEW SOURCE PERMITS **PERMIT** 17920 AIR NEW SOURCE PERMITS **PERMIT** 18936 **PERMIT** 19490 AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS **PERMIT** 19965 **PERMIT** 20381 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS 35330 35329 AIR NEW SOURCE PERMITS PERMIT AIR NEW SOURCE PERMITS **PERMIT** 36873 41280 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS **PERMIT** 43109 43981 AIR NEW SOURCE PERMITS PERMIT 44046 AIR NEW SOURCE PERMITS PERMIT AIR NEW SOURCE PERMITS **PERMIT** 45378 AIR NEW SOURCE PERMITS PERMIT 46060 AIR NEW SOURCE PERMITS **PERMIT** 46396 **PERMIT** 47047 AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS **PERMIT** 47520 AIR NEW SOURCE PERMITS **PERMIT** 48595 **PERMIT** 48600 AIR NEW SOURCE PERMITS 49417 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS **PERMIT** 49743 49982 AIR NEW SOURCE PERMITS PERMIT AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0005H AIR NEW SOURCE PERMITS PERMIT 51719 49136 AIR NEW SOURCE PERMITS **PERMIT** 54026 AIR NEW SOURCE PERMITS PERMIT 54742 AIR NEW SOURCE PERMITS PERMIT AIR NEW SOURCE PERMITS REGISTRATION 55151 AIR NEW SOURCE PERMITS REGISTRATION 55631 55916 AIR NEW SOURCE PERMITS **PERMIT** AIR NEW SOURCE PERMITS **PERMIT** 55684 AFS NUM 4824500037 AIR NEW SOURCE PERMITS

AIR NEW SOURCE PERMITS

AIR NEW SOURCE PERMITS

PSDTX688

PSDTX762M6

EPA ID

AIR NEW SOURCE PERMITS	EPA ID	PSD1X903
AIR NEW SOURCE PERMITS	PERMIT PERMIT	56409 56385
AIR NEW SOURCE PERMITS	PERIVIT	50305
·		
AIR NEW SOURCE PERMITS	REGISTRATION	56735
AIR NEW SOURCE PERMITS	REGISTRATION	70340
AIR NEW SOURCE PERMITS	REGISTRATION	70700
AIR NEW SOURCE PERMITS	PERMIT	72108
AIR NEW SOURCE PERMITS	REGISTRATION	75532
AIR NEW SOURCE PERMITS	REGISTRATION	75523
AIR NEW SOURCE PERMITS	REGISTRATION	71547
AIR NEW SOURCE PERMITS	REGISTRATION	71654
AIR NEW SOURCE PERMITS	REGISTRATION	71651
AIR NEW SOURCE PERMITS	REGISTRATION	71559
AIR NEW SOURCE PERMITS	PERMIT	55129
AIR NEW SOURCE PERMITS	PERMIT	56248
AIR NEW SOURCE PERMITS	PERMIT	54086 71694
AIR NEW SOURCE PERMITS	REGISTRATION	
AIR NEW SOURCE PERMITS	PERMIT	55072
AIR NEW SOURCE PERMITS	PERMIT	53687
AIR NEW SOURCE PERMITS	PERMIT	54827
AIR NEW SOURCE PERMITS	REGISTRATION	72471
AIR NEW SOURCE PERMITS	REGISTRATION	72930
AIR NEW SOURCE PERMITS	PERMIT REGISTRATION	73221 72436
AIR NEW SOURCE PERMITS		52593
AIR NEW SOURCE PERMITS	PERMIT REGISTRATION	73844
AIR NEW SOURCE PERMITS	REGISTRATION	73787
AIR NEW SOURCE PERMITS	REGISTRATION	73928
AIR NEW SOURCE PERMITS	REGISTRATION	74442
AIR NEW SOURCE PERMITS	REGISTRATION	74442 74505
AIR NEW SOURCE PERMITS	REGISTRATION	74611
AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS	REGISTRATION	74767
	REGISTRATION	73890
AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS	REGISTRATION	73885
AIR NEW SOURCE PERMITS	PERMIT	75106
AIR NEW SOURCE PERMITS	REGISTRATION	74856
AIR NEW SOURCE PERMITS	REGISTRATION	75367
AIR NEW SOURCE PERMITS	REGISTRATION	75091
AIR NEW SOURCE PERMITS	EPA ID	PSDTX688M1
AIR NEW SOURCE PERMITS	EPA ID	PSDTX762M1
AIR NEW SOURCE PERMITS	REGISTRATION	76788
AID NEW COLIDCE DEDMITS	EPA.ID	PSDTX762M2
AND	EPA ID	PSDTX762M3
AIR NEW SOURCE PERMITS AIR NEW SOURCE PERMITS	REGISTRATION	78538
AIR NEW SOURCE PERMITS	PERMIT	N67
AIR NEW SOURCE PERMITS	ÉPA ID	PSDTX1073
AIR NEW SOURCE PERMITS	REGISTRATION	80731
AIR NEW SOURCE PERMITS	REGISTRATION	80728
AIR NEW SOURCE PERMITS	REGISTRATION	81097
AIR NEW SOURCE PERMITS	REGISTRATION	81517
AIR OPERATING PERMITS	ACCOUNT NUMBER	JE0005H
AIR OPERATING PERMITS	PERMIT	1267
AIR OPERATING PERMITS	PERMIT	2222
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1230048
INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD065099160
GENERATION	s and agreement	
INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE	30002
GENERATION	REGISTRATION # (SWR)	
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
STORAGE	1. '	
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
STORAGE	DEDMIT	50074
INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50074
STORAGE WASTEWATER LICENSING	LICENSE	WQ0000491000
ANYOTE ANYTHEIR EIGHT AOUTAO		.1 00000-101000

EPA ID

AIR NEW SOURCE PERMITS

PSDTX903

WATER LICENSING

LICENSE

1230048

Rating Date: September 01 06 Repeat Violator:

INDUSTRIAL AND HAZARDOUS WASTE

COMPLIANCE PLANS

PERMIT 50074

Location:

7600 32ND ST, PORT ARTHUR, TX, 77642

TCEQ Region:

REGION 10 - BEAUMONT

Date Compliance History Prepared:

August 29, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

August 29, 2002 to August 29, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Daniel Siringi

Phone:

(409) 899-8799

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

No

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 09/25/2003

ADMINORDER 2003-0119-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: SC3 PERMIT

Description: Failure to sample cooling towers for volatile organic compounds.

Effective Date: 05/14/2004

ADMINORDER 2002-0888-AIR-E

Classification: Moderate

30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 115, SubChapter D 115.354(2)(C)

40 CFR Part 60, Subpart GGG 60.592(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 1225 valves in vapor or light liquid service in the the Isomization

unit at the facility during the second quarter 2001.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Part 60, Subpart GGG 60.592(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: Not specified PERMIT

SC2 PERMIT

SC2B PERMIT

SC3H PERMIT

Description: Failure to monitor light liquid service pumps monthly during the months of February,

March, April and May 2001. Classification: Moderate

30 TAC Chapter 101, SubChapter A 101.20(1) Citation:

30 TAC Chapter 113, SubChapter C 113.340

30 TAC Chapter 116, SubChapter B 116,115(c) 40 CFR Part 60, Subpart GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: SC2 PERMIT

Description: Failure to monitor monthly valves in vapor and light liquid service found to be leaking

until a leak is not detected for two successive months.

Classification: Moderate

30 TAC Chapter 101, SubChapter A 101.20(1) Citation:

30 TAC Chapter 113, SubChapter C 113.340

40 CFR Part 60, Subpart GGG 60.592(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor vapor and light liquid service valves in the first month of the 2nd

guarter 2001.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: SC4C PERMIT

Description: Failure to perform stack sampling.

Classification: Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov:

Description: Failure to continuously record the Dock Flare firebox exit temperature on March 6,

Classification: Moderate

Citation:

30 TAC Chapter 113, SubChapter C 113.340 30 TAC Chapter 115, SubChapter D 115.354(2)(C)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor valves within the Reformer unit.

Effective Date: 05/14/2004

ADMINORDER 2002-1051-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov:

SC 8 PERMIT

Description: Failure to maintain a coke burn rate of 55,000 lbs/hr or less at the Fluid Catalytic Cracking Unit (FCCU) on six 12-hour periods as required by SC 8 of 18936 & PSD-TX-762M2.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: SC 1D PERMIT

Description: Failure to submit the semiannual report concerning VOC emissions for Jan 1 to Jun

30, and Jul 1 to Dec 31, 2001, as required by 60.698(c).

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: SC 19C PERMIT

Description: Failure to perform stack sampling to establish the actual pattern and quantities of air contaminants being emitted by the Vapor Combustion Unit w/in 60 days but no later than 180 days after the initial startup.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a

reportable upset.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

GC8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

GC8 PERMIT

SC2 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a

reportable upset.

Classification: Moderate

Citation:

5C THC Chapter 382, SubChapter A 382.085(a)

Rgmt Prov: SC2 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a

reportable upset at the Alkylation Unit.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

GC8 PERMIT Ramt Prov:

Description: Failure to maintain an emission rate below the allowable emission limits for VOC,

NO2 and CO.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B) 30 TAC Chapter 101, SubChapter A 101.6(a)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a

reportable upset and the actions taken or being taken to correct the upset.

Classification: Moderate

Citation:

5C THC Chapter 382, SubChapter A 382.085(a)

Ramt Prov: SC2 PERMIT

Description: Failure to prevent the unauthorized release of VOC, SO2, and CO emissions.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.6(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the regional office no later than 24 hours after the discovery of a

reportable upset.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101,20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382,085(b)

Ramt Prov:

SC1 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits for VOC.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

SC1 PERMIT

Description: Failure to comply with the permitted nitrogen oxide (NO2) emission limit.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

GC 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

30 TAC Chapter 101, SubChapter F 101.201(b)(10)

30 TAC Chapter 101, SubChapter F 101.201(b)(4) 30 TAC Chapter 101, SubChapter F 101.201(b)(8) 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to property notify the regional office of a reportable emissions event at the C-

200 Sour Fuel Gas Compressor.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emissions event at the C-200 Sour Fuel Gas Compressor.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: GC 8 PERMIT

Description: Failure to maintain an emission rate below the allowable emission limits.

Effective Date: 01/08/2005

ADMINORDER 2003-1481-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov:

20381, GC 8 & SC 1 PERMIT

PSD-TX-1005. GC 8 & SC 1 PERMIT

Description: Failure to maintain the MAERT emission limit of 1.27 lbs/hr for particulate matter

(PM10) on the Condensate Splitter Heater (EPN N 17).

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov

9193A and PSD-TX-453M6, SC 2 PERMIT

Description: Failure to control emissions from the North Flare, EPN 307.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter A 382.085(b)

18936 and PSD-TX-762M2 PERMIT

Description: Failure to control emissions from the South Refinery Flare, EPN 142, such that the

emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: 9195A and PSD-TX-453M6, SC 1 PERMIT

Description: Failure to control emissions from the Sulfur Recovery Tail Gas Thermal Oxidizer, EPN

125, such that the emissions do not exceed the values as stated in the MAERT.

Classification: Moderate

Citation:

2A TWC Chapter 5, SubChapter A 5.702[G]

30 TAC Chapter 334, SubChapter B 334.21(b)

Description: Failure to pay all Underground Storage Tank late fees in a timely manner.

Effective Date: 03/03/2005

ADMINORDER 2004-0065-AIR-E

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to properly report an emissions event at the SCOT Tail Gas Unit which

occurred on September 8-9, 2003.

Classification: Major

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

PSD-TX-453M6, Special Condition 1 PERMIT Ramt Prov:

Special Condition 1 PERMIT

Description: Exceeded the Sulfur Recovery Tail Gas Thermal Oxidizer (EPN 125) MAER for Sulfur

Dioxide and Hydrogen Sulfide on September 8-9, 2003.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: 46396, Special Condition 1 PERMIT

Description: Exceeded the Tank 926 Flare (EPN: 22TK926FLR) MAER for CO during stack testing

conducted on August 5-6, 2003.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: 46396, SC 1 PERMIT

Description: Exceeded the Benzene Tank Flare (EPN:50BZTNKFLR) MAER the permitted NOx

stack testing conducted on January 15-16, 2003.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: 46396, SC 4E PERMIT

Description: Failed to submit two copies of the final test report for the January 15-16 test within 30

days after the sampling was completed.

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to report an emissions event at the SCOT (Shell Claus Off-Gas Treater) Unit

which began on September 21, 2003 within 24 hours of discovery.

Classification: Major

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c) 5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov:

SC 2 PERMIT

Description: Released unauthorized emissions from the North Flare (EPN: 307) on September 21,

Effective Date: 03/21/2005

ADMINORDER 2003-1135-AIR-E

Classification: Major

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov:

MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Failure to maintain an emission rate below the allowable emission limit. On April 7, 2003 110.5 ls of VOCs, 8,820.5 lbs of SO2, 24.2 lbs of NOx, and 328 lbs of CO were emitted over a 3 hour period; and on April 17, 2003, 179 lbs of VOCs, 10,591.3 lbs of SO2, 45.5 lbs of NOx, and 174.8 lbs of CO were emitted over a 4.

Classification: Moderate

Citation:

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: 18936, MAERT PERMIT

PSD-TX-762M2, MAERT PERMIT

Description: Emitted into the atmosophere the following unauthorized emissions of 95.6 lbs of

hydrogen sulfide on April 7, 2003, and 114.8 lbs of hydrogen sulfide on April 17, 2003.

Effective Date: 05/25/2007

ADMINORDER 2006-1095-AIR-E

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to notify the agency within 24 hours of the discovery of an emissions event.

Classification: Major

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: 16840 and PSD-TX-688M2 PERMIT

Description: Failure to prevent an unauthorized emissions release at the facility.

Classification: Major

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: 18936/PSD-TX-762M2 PERMIT

Description: Failure to maintain the VOC emission rate below 7.56 lb/hr at the FPM Cooling Tower

during the time described by Incident No. 71740.

See addendum for information regarding federal actions.

Any criminal convictions of the state of Texas and the federal government. В.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/29/2002	(3801)
2	09/23/2002	(157214)
3	10/18/2002	(157217)
4	10/23/2002	(12544)
5	10/24/2002	(12480)
6	11/05/2002	(16050)

7	11/21/2002	(157221)
8	11/22/2002	(5078)
9	11/26/2002	(16327)
10	12/03/2002	(18034)
11	12/13/2002	(18670)
12	12/20/2002	(157225)
13	01/21/2003	(20714)
14	01/21/2003	(157229)
15	01/28/2003	(22061)
16	02/07/2003	(22079)
17	02/20/2003	(157187)
18	03/19/2003	(157190)
19	04/18/2003	(157196)
20	04/25/2003	(25379)
21	05/08/2003	(33263)
22	05/21/2003	(157200)
23	05/28/2003	(60762)
24	05/30/2003	(60547)
25	06/23/2003	(157204)
26	07/16/2003	(112393)
27	07/21/2003	(157208)
28	08/19/2003	(147506)

(147314)

29 08/21/2003

30	08/21/2003	(295015)
		, ,
31	08/29/2003	(33657)
32	08/29/2003	(31893)
33	09/22/2003	(295017)
		` ,
34	10/17/2003	(152374)
35	10/21/2003	(295019)
36	11/10/2003	(140784)
		,
37	11/21/2003	(295020)
38	12/15/2003	(252528)
39	12/17/2003	(253859)
		,
40	12/22/2003	(295021)
41	01/07/2004	(251647)
42	01/14/2004	(259132)
		• •
43	01/16/2004	(257106)
44	01/21/2004	(295022)
45	02/18/2004	(262253)
46	02/23/2004	(295004)
		, ,
47	02/25/2004	(263664)
48	03/05/2004	(258714)
49	03/18/2004	(259900)
50	03/22/2004	(295006)
51	03/30/2004	(332764)
52	04/08/2004	(265693)
		, ,
53	04/19/2004	(295007)
54	04/23/2004	(264889)
55	04/28/2004	(269294)
		,
56	05/21/2004	(295009)
57	05/25/2004	(271847)
58	06/15/2004	(271209)
		, ,
59	06/17/2004	(275130)
60	06/17/2004	(273769)
61	06/22/2004	(295011)
		` '
62	06/23/2004	(269696)
63	07/12/2004	(269851)
64	07/21/2004	(295013)
65		, ,
ဝ၁	07/29/2004	(269691)
66	08/16/2004	(281567)
67	08/17/2004	(280413)
	08/17/2004	(286899)
68		, ,
69	08/17/2004	(283908)
70	08/23/2004	(351943)
71	08/31/2004	(280247)
	• • • • • • • • • • • • • • • • • • • •	,
72	08/31/2004	(285080)
73	09/21/2004	(351944)
74	09/27/2004	(282656)
14	09/2/12004	(202050)
75	10/21/2004	(351945)
76	11/12/2004	(291212)
		, ,
77	11/18/2004	(351946)
78	11/29/2004	(337787)
79	12/07/2004	(341531)
80	12/14/2004	(269700)
81	12/17/2004	(351947)
82	01/11/2005	(345742)
	01/11/2005	(286852)
83		
84	01/11/2005	(345734)
85	01/11/2005	(345047)
86	01/21/2005	(381770)
87	02/21/2005	(381768)
88	03/11/2005	(346656)
89	03/11/2005	(350459)
00	03/11/2005	(330438)

(348120)

90 03/11/2005

91	03/17/2005	(381769)
92	03/29/2005	(372850)
93	04/22/2005	(419600)
94	04/27/2005	(345893)
95	05/19/2005	(419601)
96	06/15/2005	(394699)
97	06/16/2005	(395449)
98	06/17/2005	(380022)
99	06/17/2005	(395181)
100	06/21/2005	(393771)
101	06/21/2005	(419602)
102	06/27/2005	(394004)
103	06/27/2005	(375095)
104	07/08/2005	(380986)
105	07/12/2005	(379108)
106	07/13/2005	(395545)
107	07/18/2005	(398333)
108	07/18/2005	(396246)
109	07/21/2005	(440742)
		,
110	08/08/2005	(400586)
111	08/08/2005	(400578)
112	08/08/2005	(395607)
113	08/10/2005	(398204)
		,
114	08/14/2005	(402622)
115	08/14/2005	(400928)
116	08/15/2005	(404442)
117	08/15/2005	(399684)
118	08/15/2005	(403311)
119	08/15/2005	(371587)
120	08/19/2005	(440743)
121	08/31/2005	(340674)
122	08/31/2005	(402164)
123	09/19/2005	(440744)
124	10/21/2005	(468272)
125	11/04/2005	(431104)
126	11/04/2005	(436336)
127	11/04/2005	(435646)
		` ,
128	11/15/2005	(405196)
129	11/15/2005	(436413)
130	11/15/2005	(435255)
131	11/15/2005	(436155)
132	11/15/2005	(434630)
133	11/18/2005	(435866)
134	11/18/2005	(435774)
135	11/18/2005	(435804)
136	11/18/2005	(435798)
137	11/21/2005	(468273)
138	12/07/2005	(435751)
139	12/12/2005	(404612)
		, ,
140	12/15/2005	(468274)
141	01/18/2006	(449944)
142	01/19/2006	(440180)
		(1.15.35)
143	01/19/2006	(439503)
144	01/23/2006	(468275)
145	01/24/2006	(452104)
146	02/06/2006	(437341)
147	02/07/2006	(453479)
148	02/07/2006	(450128)
149	02/13/2006	(450178)

150 02/13/2006

151 02/15/2006

(450341)

(454193)

152	02/21/2006	(468270)
153	02/24/2006	(452413)
154	02/24/2006	(450992)
155	03/21/2006	(468271)
156	04/10/2006	(454251)
157	04/18/2006	(455136)
158	04/21/2006	(498089)
159	04/28/2006	(462859)
160	05/11/2006	(461924)
161	05/11/2006	, ,
		(463343)
162	05/11/2006	(465492)
163	05/11/2006	(465525)
164	05/11/2006	(464460)
165	05/11/2006	(464168)
166	05/11/2006	(464473)
167	05/11/2006	(464467)
168	05/11/2006	(465518)
169	05/11/2006	(465489)
170	05/12/2006	(463148)
171	05/12/2006	(451451)
172	05/12/2006	(454148)
173	05/12/2006	(454494)
174	05/22/2006	(498090)
175	05/22/2006	(464542)
176	05/30/2006	(461199)
177	06/14/2006	(480809)
178	06/22/2006	(498091)
179	06/28/2006	(465850)
180	07/21/2006	(520109)
181	07/25/2006	(482058)
182	07/27/2006	(485194)
		•
183 184	08/23/2006	(520110)
	08/31/2006	(460545)
185	09/19/2006	(520111)
186	09/22/2006	(510639)
187	10/20/2006	(544367)
188	11/15/2006	(517804)
189	11/22/2006	(544368)
190	12/21/2006	(544369)
191	12/28/2006	(335708)
192	12/29/2006	(431565)
193	01/12/2007	(531450)
194	01/18/2007	(532164)
195	01/23/2007	(544370)
196	01/29/2007	(531801)
197	02/01/2007	(538715)
198	02/01/2007	(537518)
199	02/02/2007	(497612)
200	02/05/2007	(466788)
201	02/14/2007	(539270)
202	02/14/2007	(540328)
203	02/23/2007	(540617)
204	03/19/2007	(538927)
205	04/09/2007	(542889)
206	04/03/2007	(540306)
207	05/02/2007	(557540)
208	05/02/2007	(554816)
209	05/17/2007	(554787)
210	05/16/2007	(558572)
Z 1U	0012112001	(556572)

211 06/28/2007 (558540) 212 07/10/2007 (565190) 213 07/11/2007 (560069)214 07/11/2007 (542342)215 07/23/2007 (567241)216 08/06/2007 (567736)217 08/14/2007 (543994)

Ε. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 03/30/2004,

(332764)

Self Report?

Citation:

NO

YES

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Date 03/31/2004

(295007)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date 04/26/2004

(264889)

Self Report?

PERMIT WQ 491-000

Rgmt Prov: Description:

Failure by Atofina to properly operate and maintain units of conveyance of

stormwater runoff by failure to maintain the conveyance ditch system to

Outfall 003.

Self Report? NO Classification

Classification

Classification

Classification

Minor

Minor

Moderate

Moderate

Rqmt Prov:

PERMIT WQ 491-000

Stormwater Control Structure E was observed to have suffered damage to Description:

the underflow piping at the catch basin. Two of the underflow pipes were observed to be shifted or broken. Flow was observed emanating from the west side of the unit. The discharge was not exiting through the piping.

Self Report?

NO

Classification

Classification

Minor

Minor

Rgmt Prov:

PERMIT WQ 491-000

Description:

Failure by Atofina to properly operate units of treatment of stormwater runoff. On March 2, 2004, the basin at Outfall 002 was observed to maintain soiled/degraded sorbent booms in the boom cages. The staff gauge in the basin was also not properly connected to the unit sidewall,

Self Report? NO

Ramt Prov: Description: **PERMIT WQ 491-000** Failure by Atofina to manage industrial wastes in accordance with

applicable provisions of 30 TAC 335. On March 2, 2004, an unlabeled drum with an unknown content was observed to positioned between DD7

North Lateral 1A monitoring well OWB #2.

Self Report?

NO

Classification

Classification

Classification

Classification

Minor

Rgmt Prov:

PERMIT WQ 491-000

Description:

The permittee was not able to furnish information regarding when the flow

meter was last calibrated.

The permittee was not able to furnish information regarding when the flow

meter was last calibrated.

The permittee was not able to furnish information regarding when the flow

meter was last calibrated.

Date 03/29/2005

(372850)

Self Report? NO

Minor

Minor

Moderate

Moderate

Citation: Description: 30 TAC Chapter 290, SubChapter F 290.121[G]

Self Report?

Failure to have a monitoring plan.

NO

30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]

Citation:

Failure to maintain vent on ground storage tank.

Description: Date 11/30/2005

(468274)

Self Report? YES Classification

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

(468270)

Failure to meet the limit for one or more permit parameter Description:

Date 01/31/2006 Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter Self Report?

NO

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(4)

Rgmt Prov:

PERMIT PC. 2a

Description:

Failure by the permittee to contain contact storm water resulting in an

unauthorized discharge.

Self Report? NO Classification:

Minor

Ramt Prov:

PERMIT OpR. No. 1

Description:

Failure by the permittee to properly operate and maintain all systems of

collection, treatment, and disposal.

Self Report? NO Classification:

Rgmt Prov:

PERMIT Opr, No. 1

Description:

Failure by the permittee to properly operate and maintain all systems of

collection, treatment, and disposal.

Date: 05/31/2006

(461199)

Self Report? NO

Classification: Moderate

Citation: Description: 30 TAC Chapter 335, SubChapter A 335.6(c)

Self Report?

The facility failed to update the notice of registration

NO

Classification:

Moderate

Citation:

Description:

30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262,34(a)(4) Failure to list job titles and job descriptions for each employee handling

hazardous waste.

NO

YES

Classification: Moderate

Self Report? Citation:

40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)

Description:

Containers of waste at the PWTC lab and NOR unit nos. 005, 029 and

030 did not list the date of initial accumulation.

Date: 06/30/2006

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 Self Report?

(544370)

(520109)

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

- F. Environmental audits.
- Type of environmental management systems (EMSs). G.

N/A

Voluntary on-site compliance assessment dates. Η.

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

REG. ENTITY ADDRESS: HIGHY REG. ENTITY CITY: PORT	ARTHUR		REG. ENTITY NO.:	RN102457520
REG. ENTITY CITY: PORT	ARTHUR			
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EPA CASE NO.: ORDER ISSUED DATE (YYYYMMD ENFORCEMENT ACTION TYPE: A			MAJOR SECT. OF STATUTE: CITE PART: 262 CITE Hazardous Waste Manag	SECT.: 34
CASE RESULT:	nal Order With Penalty	VIOLATION TYPE:	RCRA Permit Evader	

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§ .	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
TOTAL PETROCHEMICALS USA,	§	
INC.	§	ENVIRONMENTAL QUALITY
RN102457520	§	

AGREED ORDER DOCKET NO. 2007-1427-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding TOTAL PETROCHEMICALS USA, INC. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a petrochemical refinery at 7600 32nd Street in Port Arthur, Jefferson County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 19, 2007, September 5, 2007 and November 1, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Five Hundred Twenty-Nine Thousand Three Hundred Dollars (\$529,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Eleven Thousand Seven Hundred Twenty Dollars (\$211,720) of the administrative penalty and One Hundred Five

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Thousand Eight Hundred Sixty Dollars (\$105,860) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Hundred Eleven Thousand Seven Hundred Twenty Dollars (\$211,720) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On March 7, 2007, and June 6, 2007 through August 27, 2007, capped the three openended lines and twelve leaking fugitive components in the Liquefied Petroleum Gas ("LPG") Loading area that were discovered on the same dates. On September 18, 2007, the Respondent submitted documentation that enhanced leak detection and repair ("LDAR") procedures were in place for open-ended lines;
 - b. On October 15, 2007, submitted documentation that fresh carbon was placed in the canisters on the date of discovery of breakthrough for the Southeast of the Gas Heater Treater ("GHT") and North Storm-water sump;
 - c. On October 15, 2007, submitted documentation that training and counseling were administered in December 2006 to the concerned employees on the loading restrictions to ensure compliance with loading limits of Gas Oil at Dock 2;
 - d. On May 30, 2007, launched an electronic compliance system at the Plant to alert personnel when to take pre-emptive action prior to exceeding a permit limit for Carbon Monoxide ("CO") at the Fluid Catalytic Cracking Unit ("FCCU") Regenerator Stack and the Tail Gas Thermal Oxidizer and for Sulfur Dioxide ("SO2") at the Sulfur Recovery Unit 1 and 2 process vents. The system alerts personnel when predetermined internal limits are exceeded allowing for corrective action prior to exceeding a permit limit;
 - e. On October 15, 2007, submitted documentation that the refinery's LDAR program has been updated to include Tanks 595 and 596 for monitoring with a hydrocarbon analyzer;
 - f. On August 30, 2007, completed the compliance testing for the 805 Charge Heater [Emissions Point Number ("EPN") 51DHTIH-1], Reboiler (EPN 51DHT1H-3), Mild Hydrocracker ("MHC") H-1 heater (EPN 52DHT2H-1) and the Distillate Hydrotreater ("DHT") Florida Heater (EPN 52DHT2H-2A/B); and
 - g. On October 15, 2007, submitted documentation that a revised Standard Operating Procedure ("SOP") has been implemented designed to ensure timely reporting of

emissions events. Additionally, on April 20, 2007, Beaumont Regional Office received an emissions report for the March 16, 2007 emissions event.

- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

- 1. Failed to maintain an emission rate below the allowable emission limits for CO, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), Federal Operating Permit ("FOP") No. O-01267, General Terms and Conditions ("GTC") and Special Condition ("SC") 27, Air Permit 18936/PSD-TX-762M2, General Condition ("GC") 8, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, on May 4, 2006, for a period of one hour, the FCCU Regenerator stack emitted unauthorized emissions of approximately 71.31 pounds ("Ibs") of CO to the atmosphere.
- 2. Failed to conduct compliance testing for the 805 Charge Heater (EPN 51DHTIH-1), 805 Reboiler (EPN 51DHT1H-3), MHC H-1 Heater (EPN52DHT2H-1) and the DHT Florida Heater (EPN52DHT2H-2A/B) within 60 days of the initial startup which occurred on July 8, 2005, May 11, 2006, July 20, 2006 and March 9, 2007, respectively, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 2347, SC 10, and Tex. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007.
- 3. Failed to maintain Volatile Organic Compound ("VOC") emissions below the allowable emission rates, in violation of 30 Tex. ADMIN. CODE §§ 106.6(b), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit 56385, SC 1, and Tex. Health & Safety Code § 382.085(b) as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, Tanks 482 and 540 exceeded their tons per year ("tpy") limit by 21.58 tpy as documented in the 2005 Emissions Inventory ("EI").
- 4. Failed to operate Spent Acid Tanks 688 and 923 in accordance with Permit-by-Rule requirements, in violation of 30 Tex. ADMIN. CODE §§ 106.472, 115.112(a)(1), 122.143(4), FOP No. O-01267, GTC and SC 4, and Tex. Health & Safety Code §382.085(b) as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, Spent Acid Tanks 688 and 923 were not operating within the required Reid Vapor Pressure ("RVP") for tanks containing

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VOCs according to sampling conducted in February 2005 for Tank 923 and in March 2005 for Tank 688.

- 5. Failed to comply with the Nitrogen Oxide ("NOx") maximum allowable emissions rate of 9.93 pounds per hour ("lbs/hr") for the Crude Unit Heater (ID 02ACU2H201) intermittently from March 3, 2006 through July 18, 2007, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 18936 and PSD-TX-762M2, GC 8, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. The calculated NOx emissions ranged up to 22.2 lbs/hr.
- 6. Failed to maintain NOx emissions below the allowable emission rates, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 234, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, 0.91 tpy of unauthorized NOx emissions from the 805 Reboiler was released as documented in the 2005 EI.
- 7. Failed to maintain CO emissions below the allowable emissions limit, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(b)(2)(F) and (c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 9195A and PSD-TX-453M6, SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, on May 17, 2006, 18.26 lbs/hr of unauthorized CO were released from the Tail Gas Thermal Oxidizer to the atmosphere.
- 8. Failed to limit the discharge of SO2 into the atmosphere to 250 parts per million ("ppm") by volume at 0% excess air from the Claus Sulfur Recovery plant, in violation of 30 Tex. ADMIN. CODE §§ 101.20(1) and (3), 113.780, 116.115(c), 122.143(4), 40 CODE OF FEDERAL REGULATIONS ("CFR") § 60.104(a)(2)(i), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 9195A and PSD-TX-453M6, SC 3, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on July 30 through August 7, 2007. Specifically, 24 exceedances of the 250 ppm SO2 12-hour rolling average were documented on July 2-3, 2006 from the Sulfur Recovery Unit 1 and 2 process vents (units IDs 14SRU1PCV and 33SRUPCV).
- 9. Failed to equip three open-ended lines and valves with a cap, blind flange, plug or second valve, in violation of 30 Tex. ADMIN. CODE §§ 113.340, 115.352(4), 116.155(c), 122.143(4), FOP No. O-01267, GTC, SC 1A and 27, Air Permit No. 56385, SC 12E, and Tex. Health & Safety CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, on March 7, 2007, the plugs were found missing at Tanks 504, 595, and 596 and replaced.
- 10. Failed to prevent venting of VOC emissions directly to the atmosphere through the tank's hatches and an open process drain during the unloading of the two frac tanks (FO4075 and FO3025) on March 7, 2007, in violation of 30 Tex. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 56385, SC 4 and 5, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007.
- 11. Failed to maintain the exterior surface of the tank as white or aluminium, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 46396, SC 8F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an

- investigation conducted on March 7 through 20, 2007. Specifically, Tank 516 appeared rusty and black as observed and documented by the TCEQ investigator on March 7, 2007.
- 12. Failed to maintain the permitted loading limit of 500,050 barrels per year of Gas Oil at Dock 2, in violation of 30 Tex. ADMIN. CODE §§116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 27, Air Permit No. 49743, SC 8, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, a total of 1,660,191 barrels of Gas Oil at Dock 2 were loaded from January to December 2006.
- 13. Failed to conduct fugitive monitoring using hydrocarbon gas analyzer from January 2005 through December 2006, in violation of 30 Tex. ADMIN. CODE §§ 113.340, 115.354(2), 116.115(c), 122.143(4), FOP No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 12 F and 15, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, monitoring was not performed on Tanks 595 and 596 all four quarters in 2005 and 2006.
- 14. Failed to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring, in violation of 30 Tex. ADMIN. CODE §§ 101.20(2), 122.143(4), 40 CFR § 61.354(d), FOP No. O-01267, GTC and SC 1A, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, on January 3 through 9, 2005, the carbon canister series for the Southeast of the GHT was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on January 10, 2005.
- 15. Failed to replace immediately with fresh carbon when carbon breakthrough was indicated by monitoring, in violation of 30 Tex. Admin. Code §§ 101.20(1), 116.115(c), 122.143(4), 40 CFR § 60.695(a)(3)(ii), FOP No. O-01267, GTC and SC 1A and 27, Air Permit No. 56385, SC 13, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, on March 23 through 25, 2005, the carbon canister series for the North stormwater sump was determined through monitoring to have exceeded its breakthrough limitations of 50 ppm and was venting directly to the atmosphere. The carbon canister was replaced on March 28, 2005.
- 16. Failed to obtain permit authorization for four carbon canister series identified as Southwest of GHT, End of Dock 1, in front of Dock 3A and South Side Dock 3B, in violation of 30 TEX. ADMIN. CODE §§ 116.110(a), 122.143(4), FOP No. O-01267, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, the four units were documented as releasing emissions to the atmosphere during an investigation on March 7 through 20, 2007 without a permit or authorization.
- 17. Failed to repair twelve leaking fugitive components in the LPG loading area within 15 days after the discovery of the leaks, in violation of 30 Tex. ADMIN. CODE §§ 101.20(1), 113.340, 115.352(2), 116.115(c), 122.143(4), 40 CFR § 60.592(a), FOP No. O-01267, GTC and SC 1A, Air Permit No. 19965, SC 2 and 5H, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, eight valve packings, two valve screwed fittings and two valve bushings were incorrectly designated as infeasible to repair and were not repaired within 15 days.

- 18. Failed to perform visual inspection on the secondary seal of external floating roof tank 453 from July through December 2006, in violation of 30 Tex. ADMIN. CODE §§ 115.114(a)(4), 122.143(4), FOP No. O-01267, GTC and SC 1A, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, visual inspection is required at least once every six months on an external floating roof tank.
- 19. Failed to report the occurrence of deviations in semi-annual deviation reports and accurately certify an annual compliance certification, in violation of 30 Tex. ADMIN. CODE §§ 122.143(4), 122.145(2)(A), 122.146(5)(D), FOP No. O-01267, GTC, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on March 7 through 20, 2007. Specifically, six deviations were not reported in a semi-annual report or the annual compliance certifications for the years 2005 and 2006.
- 20. Failed to submit the initial notification of a reportable emissions event within 24 hours of discovery to the Beaumont Regional Office, in violation of 30 TEX. ADMIN. CODE §§ 101.201(a)(1)(B), 122.143(4), FOP No. O-01267, GTC and SC 2F, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 26, 2007. Specifically, the emissions event which occurred on March 16, 2007 at the Cogen Stack, EPN 60COGNSTK (Incident No. 89927) was not submitted to the TCEQ until April 20, 2007.
- 21. Failed to prevent unauthorized emissions of 216.64 lbs of NOx during a two hour emissions event which occurred at the Cogen Stack, EPN 60COGNSTK on March 16, 2007, (Incident No. 89927) due to unexpected sticking of the 63PV3025 steam control let-down valve causing the NOx steam system to shutdown, in violation of 30 Tex. ADMIN. CODE §§ 101.20(3), 116.115(b) and (b)(2)(F), 122.143(4), FOP No. O-01267 GTC and SC 27, Air Permit No. 16840 and PSD-TX-688M2, GC 1, and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on September 26, 2007. Since the emissions event was not properly reported, the Respondent failed to meet the demonstrations for an affirmative defense in 30 Tex. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: TOTAL PETROCHEMICALS USA, INC., Docket No. 2007-1427-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

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- 2. The Respondent shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I Paragraph 6 above, Two Hundred Eleven Thousand Seven Hundred Twenty Dollars (\$211,720) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure routine visual inspection on the secondary seal of the external floating roof Tank 453 is conducted;
 - ii. Implement as necessary, upgrades to ensure compliance with SC 4 and 5 of Permit No. 56385 during the unloading of frac Tank Nos. F04075 and FO3025;
 - iii. Report all the deviations associated with Allegations No. 13, 14, 15, and 17 on the next deviation report;
 - iv. Remove Spent Acid Tanks 688 and 923 from VOC service or obtain authorization to modify Spent Acid Tanks 688 and 923 to include the proper control equipment in accordance with 30 TEX. ADMIN. CODE § 115.112 for VOC storage;
 - v. Implement measures designed to prevent the recurrence of emissions events due to causes the same as those associated with the March 16, 2007 event;
 - vi. Submit administratively complete permit applications to: 1) obtain authorization for the four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front 3A and South Side Dock 3B; 2) raise the firing rate of the Crude Unit Heaters and the 805 Reboiler to ensure compliance with permitted NOx limits; 3) raise VOC limits on Tanks 482 and 540 to a rate that is equal to or greater than the emission rates reported in the 2005 EI; 4) amend Permit No. 46396, SC 8F to change the required color of Tank 516 from white or aluminum to black, or paint Tank 516 white or aluminum. These permit applications shall be submitted in accordance with 30 TEX. ADMIN. CODE § 116.110(a) to:

Air Permits Division, MC 162 Texas Commission on Environmental Quality PO Box 13087 Austin, Texas 78711-3087

b. Within 45 days after the effective date of this Agreed Order, or within 105 days with regard to the color of Tank 516 if the option is exercised for painting the tank rather than amending the permit to change the required color, submit certification as described in Ordering Provision No. 3.e. below for Ordering Provision No. 3.a.;

- c. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit applications within 30 days after the date of such requests, or by any other deadline specified in writing;
- d. Within 180 days after the effective date of this Agreed Order, submit certification as described in Ordering Provision No. 3.e. below that 1) either authorization to operate the four carbon canisters series identified as Southwest of GHT, End of Dock 1, in front 3A and South Side Dock 3B as a source of air emissions has been obtained or that operation has ceased until such a time that appropriate authorization is obtained; 2) the firing rates of the Crude Unit Heaters and the 805 Reboiler have been raised to ensure compliance with permitted NOx limits; 3) the VOC limits on Tanks 482 and 540 have been raised to a rate that is equal to or greater than the emission rates reported in the 2005 EI; and
- e. The certifications required by Ordering Provision Nos. 3.b. and 3.d. should be submitted as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section, Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or

other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

TOTAL PETROCHEMICALS USA, INC. DOCKET NO. 2007-1427-AIR-E Page 10

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	7/18/2008 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions, and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution

Signature

Darrell Jacob
Name (Printed or typed)
Authorized Representative of
TOTAL PETROCHEMICALS USA, INC.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A Docket Number: 2007-1427-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: TOTAL PETROCHEMICALS USA, INC.

Payable Penalty Amount: Four Hundred Twenty-Three Thousand Four Hundred Forty

Dollars (\$423,440)

SEP Amount: Two Hundred Eleven Thousand Seven Hundred Twenty

Dollars (\$211,720)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Clean School Buses

Location of SEP: Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to aid local school districts, area transit agencies, and local governments in need of funding assistance to pay for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fuelled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. The funds will be disbursed on a needs-rated basis, using non-attainment area status, condition of buses, and economic status of the recipient as possible rating factors if competition for the funds exists. To maximize funds, retrofitting will take priority over replacement of buses. Older buses deemed not suitable for retrofitting will be permanently retired and sold only for scrap.

Acceptable retrofit technologies include particulate matter traps, diesel particulate matter filters, nitrogen oxides (NO_x) reduction catalyst technology in combination with diesel particulate filters, and other emission control technologies that are developed and approved by the United States Environmental Protection Agency ("EPA") or the California Air Resources Board.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate matter and hydrocarbon

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TOTAL PETROCHEMICALS USA, INC. Agreed Order – Attachment A

emissions from buses, to meet the new, more stringent emissions standards introduced by the EPA which will be phased in between 2007 and 2010.

C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

TOTAL PETROCHEMICALS USA, INC. Agreed Order – Attachment A

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.